










EXHIBIT A

1881CV01639 Botelho, Ann T. vs. Buscone, Mary E. et al

- **Case Type:**
- **Contract / Business Cases**
- **Case Status:**
- **Open**
- **File Date**
- **06/06/2018**
- **DCM Track:**
- **A - Average**
- **Initiating Action:**
- **Liability of Shareholders, Directors, Officers, Partners, etc.**
- **Status Date:**
- **06/06/2018**
- **Case Judge:**
- **Next Event:**

All Information **Party** **Judgment** **Event** **Tickler** **Docket** **Disposition**

Docket Information

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
06/06/2018	Attorney appearance On this date Thomas C LaPorte, Esq. added for Plaintiff Ann T. Botelho		
06/06/2018	Case assigned to: DCM Track A - Average was added on 06/06/2018		
06/06/2018	Original civil complaint filed.	1	
06/06/2018	Civil action cover sheet filed.	2	
06/06/2018	Plaintiff(s) Ann T. Botelho's EX PARTE Motion for a Real Estate Attachment	3	
06/06/2018	Plaintiff Ann T. Botelho's Motion to Appoint special Process Server	4	
06/06/2018	Endorsement on Motion for appointment of special process server (#4.0): ALLOWED Anthony Bogus of Woburn, Ma Judge: Wall, Hon. Joshua		  
06/06/2018	Endorsement on Motion for a Real Estate Attachment (#3.0): Other action taken the within action is set down for hearing on 6/13/18 at 2:00 PM in Lowell, Ma Judge: Wall, Hon. Joshua		 
06/13/2018	Matter taken under advisement: Hearing for Real Estate Attachment scheduled on: 06/13/2018 02:00 PM Has been: Held - Under advisement Hon. Joshua Wall, Presiding Appeared: Plaintiff Ann T. Botelho Thomas C LaPorte, Esq., Staff: Amanda J. Rowan, Assistant Clerk Magistrate, FTR Monitor Judge: Wall, Hon. Joshua		
06/20/2018	Plaintiff(s) Ann T. Botelho's Motion for an Attachment Trustee attachment	5	
06/29/2018	Endorsement on Motion for Real Estate attachment (#3.0): ALLOWED after hearing at which defendant did not appear, plaintiff has established a likelihood of recovery in the amount of \$90,000.00. The Motion is allowed with an attachment in the amount of \$90,000.00 to issue. Judge: Wall, Hon. Joshua		

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
06/29/2018	Endorsement on Motion for an Attachment of Trustee (#5.0): Other action taken After hearing, the known facts, of the defendant's financial circumstances show that this account is highly unlikely to include money that is not necessary for the essential daily living expenses of the defendant and her family. Based on these factors, the motion is DENIED. Judge: Wall, Hon. Joshua		
07/17/2018	Pleading titled, Request for default, filed with the court on 07/13/2018, returned to Thomas C LaPorte, Esq. there is no return of service on this matter therefore the defendant can not be defaulted.		
07/26/2018	Service Returned for Defendant Buscone, Mary E.: Service made at last and usual; @8 Sudbury Avenue, Wilmington, Ma 01877 on 6/7/18	6	 Image
07/26/2018	Mary E. Buscone's request for Default 55(a) Applies To: Buscone, Mary E. (Defendant)	7	 Image
07/26/2018	Document: A Default order Mass. R. Civ. P. 55(a) was generated and sent to: Attorney: Thomas C LaPorte, Esq. Defendant: Mary E. Buscone Defendant: Reading Cooperative Bank		 Image
07/26/2018	Affidavit filed by Plaintiff Ann T. Botelho in support of Clerk's Entry of Judgment (55) 55 (b)(1)	7.1	 Image
07/26/2018	Entered as to: Defendant Buscone, Mary E.: Defaulted by 55(a) request;		
08/17/2018	JUDGMENT entered on this date.: Default Judgment MRCP 55(b)1 By Clerk Presiding: Amanda Rowan Judgment For: Ann T. Botelho Judgment Against: Mary E. Buscone Terms of Judgment: Interest Begins: 06/06/2018 Jdgmnt Date: 08/17/2018 Interest Rate: .12 Daily Interest Rate: .000329 Damages: Damage Amt: 89237.96 Filing Fees: 275.00 Costs Pd to Court: 46.62 Judgment Total: 91,673.45	8	 Image
08/20/2018	General correspondence regarding Writ of Attachment	9	 Image
09/19/2018	Execution Issued: Execution Judgment Debtor: Buscone, Mary E. Judgment Creditor: Botelho, Ann T. Terms of Execution: EXON Issuance Date: 09/19/2018 Judgment Total: 91,673.45 Post Judgment Int. Rate: .12 Post Judgment Int. Total: 995.30 Execution Subtotal: 92,668.75 Execution Total: 92,668.75		
06/08/2023	Attorney appearance electronically filed.		 Image
06/08/2023	Attorney appearance On this date David Glenn Baker, Esq. added for Defendant Reading Cooperative Bank Trustee Defendant Reading Cooperative Bank		
09/20/2023	Defendant Mary E. Buscone's Motion for Relief from Judgment	10	 Image
09/26/2023	Endorsement on Motion for Relief from Judgment (#10.0): DENIED Denied -- All motions must comply with Rule 9A		 Image
10/24/2023	Pleading titled, Rule 9A Package (Motion for Relief from Judgment), filed with the court on 10/23/2023, returned to David Glenn Baker, Esq. Can't use same motion that was previously stamped, numbered and docketed (Same Motion that was stamped and numbered on 09/20/2023 was used for this 9A Package). Explained reason on E-file. Refile 9A package		 Image
10/30/2023	Defendant Mary E. Buscone's Motion for Relief from Judgment	11	 Image

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
10/30/2023	Mary E. Buscone's Memorandum in support of Motion for Relief from Judgment	11.1	 Image
11/01/2023	Endorsement on Motion for Relief from Judgment (#11.0): No Action Taken Defendant did not include opposition or 9C certificate. Judge: Haggan, Hon. Patrick		 Image
11/02/2023	Defendant Mary E. Buscone's Motion for Relief from Judgment	12	 Image
11/02/2023	Mary E. Buscone's Memorandum in support of Motion for Relief from Judgment	12.1	 Image
11/02/2023	Opposition to Motion for Relief from Judgment filed by Ann T. Botelho	12.2	 Image
01/09/2024	Defendant Mary E. Buscone's Request for Hearing on Motion for Relief from Judgment	13	 Image
04/02/2024	Attorney appearance electronically filed.		 Image
04/02/2024	Attorney appearance On this date Catherine M Giordano, Esq. added as Limited Appearance Counsel for Plaintiff Ann T. Botelho		 Image
04/08/2024	Event Result:: Motion Hearing to Vacate Judgment scheduled on: 04/08/2024 03:00 PM Has been: Held as Scheduled Hon. Cathleen E. Campbell, Presiding Appeared: Plaintiff Catherine M Giordano, Esq., Limited Appearance Counsel Defendant David Glenn Baker, Esq., Staff: Amanda Rowan, Assistant Clerk Magistrate, FTR Monitor		
04/09/2024	MEMORANDUM & ORDER: COURT DECISION AND ORDER ON DEFENDANT, MARY BUSCONE'S MOTION FOR RELIEF FROM JUDGMENT: CONCLUSION: For all these reasons, the Court DENIES the Defendant's Motion. (See scanned image for complete text - 4 pages). Judge: Campbell, Hon. Cathleen E.	14	 Image
05/06/2024	NOTICE OF APPEAL: Defendant Mary E. Buscone hereby appeals from the decision dated April 9, 2024, which denied her motion for relief from judgment. Applies To: Buscone, Mary E. (Defendant)	15	 Image
05/06/2024	Docket Note: Mailed copy of notice of appeal and generated form to all the parties on 5/6/2024.		
05/30/2024	Notice of assembly of record sent to Counsel	16	 Image
05/30/2024	Notice to Clerk of the Appeals Court of Assembly of Record	17	 Image
05/30/2024	Appeal: Statement of the Case on Appeal (Cover Sheet).	18	 Image
06/06/2024	Appeal entered in Appeals Court on 06/04/2024 docket number A.C. No: 2024-P-0633	19	 Image

Cossingham Law Office, PC

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Via Federal Express - Overnight Mail

December 19, 2018

Middlesex County Sheriff's Office
Civil Process Division
321 Central Street
Lowell, MA 01852

RE: Ann T. Botelho
Vs: Mary E. Buscone
Woburn District Court
Docket No. 1853SP000114

Dear Sheriff:

Enclosed with respect to the above captioned-matter, please find an Original Capias together with a copy. Kindly serve same on the following defendant:

Mary E. Buscone
8 Sudbury Avenue
Wilmington, MA 01887

Please make service of the aforementioned Capias upon Defendant, Mary E. Buscone **on or before Friday, December 21, 2018**. Please note that we are requesting a hearing date for **January 18, 2019 at 10:00 a.m. in Woburn District Court, 30 Pleasant Street, Woburn, MA 01801**.

Kindly return the original Capias together with the Return(s) of Service along with your invoice for services. A self-addressed stamped envelope is enclosed for your convenience.

Very truly yours,

Cossingham Law Office, PC

Thomas C. LaPorte, Esq.

TCL/kaa
Enclosures

cc: Ann T. Botelho

EXHIBIT B

NTCAPR, CLOSED

**United States Bankruptcy Court
District of Massachusetts (Boston)
Adversary Proceeding #: 19-01037**

Assigned to: Judge Christopher J. Panos

Lead BK Case: [19-10594](#)

Lead BK Title: Mary E. Buscone

Lead BK Chapter: 7

Demand: \$98000000

Date Filed: 04/04/19

Date Terminated: 08/20/24

Nature[s] of Suit: 62 Dischargeability - 523(a)(2), false pretenses, false representation, actual fraud
67 Dischargeability - 523(a)(4), fraud as fiduciary, embezzlement, larceny

Plaintiff

Ann Tracy Botelho
6 Sudbury Avenue
Wilmington, MA 01887
SSN / ITIN: xxx-xx-3939

represented by **Lisa K. Bruno**
491 Maple Street, Suite 210
Danvers, MA 01923
978-922-9200
Fax : 978-922-9200
Email: lisa@consumerbankruptcyrelief.com

Thomas C. LaPorte
LaPorte Law Group, PLLC
P.O. Box 390
573 Pine Street
Manchester, NH 03105
603-303-9520
Email: tlaporte@laportelawgroup.net

V.

Defendant

Mary E. Buscone
8 Sudbury Avenue
Wilmington, MA 01887
SSN / ITIN: xxx-xx-4024


represented by **David G. Baker**
Baker Law Offices
255 Massachusetts Avenue
Suite 614
Boston, MA 02115-4701
617-340-3680
Fax : 855-490-2240
Email: david@bostonbankruptcy.org

Filing Date	#	Docket Text
04/04/2019	<u>1</u> (9 pgs)	Adversary case 19-01037. Complaint by Ann Tracy Botelho against Mary E. Buscone. Fee Amount \$350. Nature of Suit(62 (Dischargeability -

A through 510 Response, Page 8 of 48

		(Dischargeability - 523(a)(4), fraud as fiduciary, embezzlement, larceny)) (LaPorte, Thomas) (Entered: 04/04/2019)
04/04/2019		Receipt of filing fee for Complaint(19-01037) [cmp,cmp] (350.00). Receipt Number 17940627, amount \$ 350.00 (re: Doc# <u>1</u>) (U.S. Treasury) (Entered: 04/04/2019)
04/05/2019	<u>2</u> (2 pgs)	Court's Order of Deficiency RE: <u>1</u> Complaint by Ann Tracy Botelho against Mary E. Buscone. The deadline to cure the deficiency is 4/12/2019 at 04:30 PM. (nc) (Entered: 04/05/2019)
04/05/2019	<u>3</u> (2 pgs)	Summons Issued on Mary E. Buscone. Answer Due 5/6/2019. Summons must be served within seven (7) days of issuance. (nc) (Entered: 04/05/2019)
04/05/2019	<u>4</u> (1 pg)	Attorney Lisa K. Bruno for Defendant Mary E. Buscone added to Adversary Proceeding 1:19-ap-1037 pursuant MLBR 9010-2. (nc) (Entered: 04/05/2019)
04/07/2019	<u>5</u> (2 pgs)	BNC Certificate of Mailing. (Re: <u>4</u> Add Attorney for Debtor) Notice Date 04/07/2019. (Admin.) (Entered: 04/08/2019)
04/07/2019	<u>6</u> (3 pgs)	BNC Certificate of Mailing - PDF Document. (Re: <u>3</u> Summons Issued) Notice Date 04/07/2019. (Admin.) (Entered: 04/08/2019)
04/16/2019	<u>7</u> (1 pg)	Order dated 04/16/2019 RE: <u>2</u> Court's Order of Deficiency. ON OR BEFORE APRIL 19, 2019, THE PLAINTIFF SHALL FILE THE REQUIRED COVERSHEET FOR THE COMPLAINT, FAILING WHICH THE ADVERSARY COMPLAINT WILL BE DISMISSED FOR FAILURE TO PROSECUTE AND TO OBEY AN ORDER OF THE COURT. (nc) (Entered: 04/16/2019)
04/18/2019	<u>8</u> (2 pgs)	Adversary Cover Sheet (Re: <u>1</u> Complaint) filed by Plaintiff Ann Tracy Botelho (LaPorte, Thomas) (Entered: 04/18/2019)
04/18/2019	<u>9</u> (2 pgs)	BNC Certificate of Mailing - PDF Document. (Re: <u>7</u> Order) Notice Date 04/18/2019. (Admin.) (Entered: 04/19/2019)
04/19/2019	<u>10</u> (3 pgs)	Motion filed by Plaintiff Ann Tracy Botelho Re-Issuance of Summons and Extension of Time to Serve with certificate of service. (LaPorte, Thomas) (Entered: 04/19/2019)
04/23/2019	<u>11</u> (1 pg)	Order dated 4/23/2019 Re: <u>10</u> Motion filed by Plaintiff Ann Tracy Botelho Re-Issuance of Summons and Extension of Time to Serve. GRANTED IN PART AS FOLLOWS: THE CLERK SHALL ISSUE A NEW SUMMONS. THE SUMMONS WILL BE AVAILABLE AND TRANSMITTED TO COUNSEL THROUGH THE COURT'S CM/ECF SYSTEM IMMEDIATELY UPON ITS DOCKETING; NO HARD COPY WILL BE SEPARATELY MAILED TO COUNSEL. ACCORDINGLY, THE REQUEST TO EXTEND THE TIME TO EFFECT SERVICE IS DENIED. (nc) (Entered: 04/23/2019)
04/23/2019	<u>12</u> (2 pgs)	Alias Summons Issued on Mary E. Buscone. Re: <u>1</u> Complaint filed by Plaintiff Ann Tracy Botelho. Date Issued 4/23/2019, Answer Due

04/25/2019	13 (2 pgs)	BNC Certificate of Mailing - PDF Document. (Re: 11 Order on Generic Motion) Notice Date 04/25/2019. (Admin.) (Entered: 04/26/2019)
05/04/2019	14 (1 pg)	Notice of Appearance and Request for Notice by David G. Baker filed by Defendant Mary E. Buscone (Baker, David) (Entered: 05/04/2019)
05/04/2019	15 (3 pgs)	Motion filed by Defendant Mary E. Buscone to Dismiss Adversary Proceeding (Re: 1 Complaint) with certificate of service. (Baker, David) (Entered: 05/04/2019)
05/10/2019	16 (2 pgs)	Hearing Scheduled for 6/28/2019 at 2:00 P.M. at Boston Courtroom 3, 12th Floor, 5 Post Office Square, Boston, MA 02109 Re: 15 Motion to Dismiss Adversary Proceeding filed by Defendant Mary E. Buscone. Objections due 6/14/2019 by 4:30 P.M. (el, usbc) (Entered: 05/10/2019)
05/11/2019	17 (2 pgs; 2 docs)	Certificate of Service of Notice of Hearing (Re: 15 Motion to Dismiss Adversary Proceeding) filed by Defendant Mary E. Buscone (Attachments: # 1 Court's Notice of Nonevidentiary Hearing) (Baker, David) (Entered: 05/11/2019)
05/12/2019	18 (3 pgs)	BNC Certificate of Mailing - Hearing. (Re: 16 Hearing Scheduled) Notice Date 05/12/2019. (Admin.) (Entered: 05/13/2019)
05/28/2019	19 (1 pg)	Order dated 5/28/2019 Re: 15 Motion to Dismiss Adversary Proceeding filed by Defendant Mary E. Buscone. THE HEARING SCHEDULED FOR JUNE 28, 2019 AT 2:00 P.M. IS HEREBY RESCHEDULED TO JUNE 26, 2019 AT 11:30 A.M. (bhendry, usbc) (Entered: 05/28/2019)
05/28/2019	20 (2 pgs)	Hearing Rescheduled for 6/26/2019 at 11:30 AM at Boston Courtroom 3, 12th Floor, 5 Post Office Square, Boston, MA 02109. Re: 15 Motion to Dismiss Adversary Proceeding filed by Defendant Mary E. Buscone (bhendry, usbc) (Entered: 05/28/2019)
05/29/2019	21 (3 pgs; 2 docs)	Certificate of Service of Notice of Hearing (Re: 15 Motion to Dismiss Adversary Proceeding) filed by Defendant Mary E. Buscone (Attachments: # 1 Court's Notice of Nonevidentiary Hearing) (Baker, David) (Entered: 05/29/2019)
05/30/2019	22 (3 pgs)	BNC Certificate of Mailing - Hearing. (Re: 20 Hearing Scheduled) Notice Date 05/30/2019. (Admin.) (Entered: 05/31/2019)
05/30/2019	23 (2 pgs)	BNC Certificate of Mailing - PDF Document. (Re: 19 Order) Notice Date 05/30/2019. (Admin.) (Entered: 05/31/2019)
06/14/2019	24 (8 pgs; 2 docs)	Opposition and Affidavit with Exhibit A filed by Plaintiff Ann Tracy Botelho Re: 15 Motion filed by Defendant Mary E. Buscone to Dismiss Adversary Proceeding (Re: 1 Complaint) with certificate of service. (Attachments: # 1 Affidavit) (LaPorte, Thomas) (Entered: 06/14/2019)
06/14/2019	25 (2 pgs)	Certificate of Service (Re: 24 Opposition) filed by Plaintiff Ann Tracy Botelho (LaPorte, Thomas) (Entered: 06/14/2019)

06/26/2019	26 (1 pg)	Order dated 6/26/2019 Re: 15 Motion filed by Defendant Mary E. Buscone to Dismiss Adversary Proceeding Re: 1 Complaint. HEARING NOT HELD. ATTORNEY LAPORTE CALLED CLERK'S OFFICE TO INFORM THE COURT THAT HE HAD FAILED TO PROPERLY ENTER THE HEARING SCHEDULED IN THIS MATTER ON HIS CALANDER. HE STATED THAT HE WOULD NOT BE PRESENT. ATTORNEY BAKER AGREED TO CONTINUE THE HEARING TO AUGUST 6, 2019 AT 11:45 A.M. (corozco, usbc) (Entered: 06/27/2019)
06/26/2019		Hearing Continued to 8/6/2019 at 11:45 AM at Boston Courtroom 1, 12th Floor, 5 Post Office Square, Boston, MA 02109 Re: 15 Motion filed by Defendant Mary E. Buscone to Dismiss Adversary Proceeding Re: 1 Complaint. (corozco, usbc) (Entered: 06/27/2019)
06/29/2019	27 (2 pgs)	BNC Certificate of Mailing - PDF Document. (Re: 26 Order on Motion to Dismiss Adversary Proceeding) Notice Date 06/29/2019. (Admin.) (Entered: 06/30/2019)
08/04/2019	28 (1 pg)	Motion filed by Defendant Mary E. Buscone to Continue Hearing [Re: 15 Motion to Dismiss Adversary Proceeding] with certificate of service. (Baker, David) (Entered: 08/04/2019)
08/05/2019	29 (1 pg)	Endorsed Order dated 8/5/2019 Re: 28 Motion filed by Defendant Mary E. Buscone to Continue Hearing Re: 15 Motion to Dismiss Adversary Proceeding. GRANTED . THE HEARING IS HEREBY CONTINUED TO SEPTEMBER 4, 2019 AT 11:00 A.M. (corozco, usbc) (Entered: 08/05/2019)
08/05/2019		Hearing Continued to 9/4/2019 at 11:00 AM at Boston Courtroom 1, 12th Floor, 5 Post Office Square, Boston, MA 02109 Re: 15 Motion filed by Defendant Mary E. Buscone to Dismiss Adversary Proceeding Re: 1 Complaint. (corozco, usbc) (Entered: 08/05/2019)
08/07/2019	30 (2 pgs)	BNC Certificate of Mailing - PDF Document. (Re: 29 Order on Motion to Continue/Cancel Hearing) Notice Date 08/07/2019. (Admin.) (Entered: 08/08/2019)
09/04/2019	31 (1 pg)	 PDF with attached Audio File. Court Date & Time [9/4/2019 11:33:31 AM]. File Size [8145 KB]. Run Time [00:33:56]. (admin). (Entered: 09/05/2019)
09/04/2019	32 (2 pgs)	Order dated 9/4/2019 Re: 15 Motion filed by Defendant Mary E. Buscone to Dismiss Adversary Proceeding Re: 1 Complaint. See Order for Full Text. (jpessimato, usbc) (Entered: 09/16/2019)
09/06/2019		Hearing Held 9/4/2019 (Re: 15 Motion to Dismiss Adversary Proceeding filed by Defendant Mary E. Buscone) (mem) (Entered: 09/06/2019)
09/18/2019	33 (3 pgs)	BNC Certificate of Mailing - PDF Document. (Re: 32 Order on Motion to Dismiss Adversary Proceeding) Notice Date 09/18/2019. (Admin.) (Entered: 09/19/2019)
10/07/2019	34 (4 pgs)	Defendant's Response to Order (Re: 32 Order on 15 Motion to Dismiss Adversary Proceeding) filed by Defendant Mary E. Buscone (Baker, David). (Entered: 10/07/2019)

10/09/2019	35 (1 pg)	Order dated 10/9/2019 Re: 15 Motion filed by Defendant Mary E. Buscone to Dismiss Adversary Proceeding Re: 1 Complaint. ORDER: THE COURT HAVING CONVERTED THE DEFENDANT'S MOTION TO DISMISS [#15] TO ONE FOR SUMMARY JUDGMENT; THE MOTION BEING BASED ON AN AFFIRMATIVE DEFENSE; THE PARTY BEARING THE BURDEN OF PROOF AS TO THE DEFENSE HAVING SUBMITTED NO EVIDENCE; THE COURT BEING BOUND FOR PURPOSES OF SUMMARY JUDGMENT TO VIEW THE EVIDENCE IN THE LIGHT MOST FAVORABLE TO THE NON-MOVING PARTY, WHICH IN THIS INSTANCE WOULD REQUIRE THE COURT TO ASSUME THAT THE OMISSION IN QUESTION WAS UNKNOWING AND NOT INTENDED TO DECEIVE; AND THE STANDARD FOR JUDICIAL ESTOPPEL BEING LESS THAN WHOLLY SETTLED AND, IN ANY EVENT, INVOLVING CONSIDERABLE JUDICIAL DISCRETION; THE MOTION TO DISMISS, NOW AS MOTION FOR SUMMARY JUDGMENT, IS HEREBY DENIED . THE DEFENDANT SHALL FILE HER ANSWER ON OR BEFORE OCTOBER 23, 2019. (jpessimato, usbc) (Entered: 10/09/2019)
10/11/2019	36 (2 pgs)	BNC Certificate of Mailing - PDF Document. (Re: 35 Order on Motion to Dismiss Adversary Proceeding) Notice Date 10/11/2019. (Admin.) (Entered: 10/12/2019)
10/23/2019	37 (1 pg)	Motion filed by Defendant Mary E. Buscone to Extend Time to Answer Re: 1 Complaint with certificate of service. (Baker, David). (Entered: 10/23/2019)
10/24/2019	38 (1 pg)	Order dated 10/24/2019 Re: 37 Motion filed by Defendant Mary E. Buscone to Extend Time to Answer Re: 1 Complaint. GRANTED . THE TIME TO ANSWER IS EXTENDED TO NOVEMBER 1, 2019. (jreg) (Entered: 10/24/2019)
10/24/2019		Defendant Mary E. Buscone Answer Deadline Reset for 11/1/2019. (jreg) (Entered: 10/24/2019)
11/02/2019	39 (3 pgs)	Answer to Complaint with certificate of service filed by Mary E. Buscone. (Baker, David) (Entered: 11/02/2019)
11/04/2019	40 (6 pgs)	Scheduling and Pre-Trial Order dated 11/04/2019 RE: 1 Complaint by Ann Tracy Botelho against Mary E. Buscone. See order for Complete Text. Discovery due by 2/12/2020. Pre-Trial Memorandum due by 3/3/2020. (nc) (Entered: 11/04/2019)
11/06/2019	41 (7 pgs)	BNC Certificate of Mailing - PDF Document. (Re: 40 Pre-Trial Order) Notice Date 11/06/2019. (Admin.) (Entered: 11/07/2019)
11/15/2019	42 (1 pg)	DISREGARD: Statement with certificate of service (Re: 40 Pre-Trial Order) filed by Defendant Mary E. Buscone (Baker, David) CORRECTIVE ENTRY: Incorrect Event Used, Two Day Order Issued to Re-File Using Correct Event. Modified on 11/15/2019 (nc). (Entered: 11/15/2019)

11/15/2019	43 (2 pgs)	Order Requiring Corrective Action. You are hereby ORDERED to file the required document(s) identified in the attached order within (2) business days of the date of this order RE: 42 Statement filed by Defendant Mary E. Buscone. (nc) (Entered: 11/15/2019)
11/16/2019	44 (1 pg)	Statement Regarding Rule 37(e) with certificate of service (RE: 40 Scheduling and Pre-Trial Order dated 11/04/2019) filed by Defendant Mary E. Buscone (Baker, David) (Entered: 11/16/2019)
11/16/2019	45 (1 pg)	Response with certificate of service filed by Defendant Mary E. Buscone Re: 43 Order Requiring Corrective Action. You are hereby ORDERED to file the required document(s) identified in the attached order within (2) business days of the date of this order RE: 42 Statement filed by Defendant Mary E. Buscone. (nc) (Baker, David) (Entered: 11/16/2019)
12/27/2019	46 (1 pg)	Statement <i>Regarding Rule 37(e)</i> filed by Plaintiff Ann Tracy Botelho (LaPorte, Thomas) (Entered: 12/27/2019)
12/31/2019	47 (4 pgs)	Assented to Motion filed by Plaintiff Ann Tracy Botelho to Extend Time to Comply [RE: 40 Scheduling and Pre-Trial Order dated 11/04/2019] with certificate of service. (LaPorte, Thomas) (Entered: 12/31/2019)
01/02/2020	48 (1 pg)	Order dated 1/2/2020 RE: 47 Assented to Motion filed by Plaintiff Ann Tracy Botelho to Extend Time to Comply [RE: 40 Scheduling and Pre-Trial Order dated 11/04/2019]. GRANTED . THE TIME TO FILE THE RULE 26(F) REPORT IS EXTENDED TO JANUARY 21, 2020; AND THE OTHER DEADLINES IN THE COURT'S PRETRIAL ORDER ARE HEREBY EXTENDED BY 30 DAYS. (nc) (Entered: 01/02/2020)
01/21/2020	49 (3 pgs)	Certificate of Rule 26(f) Conference and Rule 26(f) Discovery Plan with certificate of service (Re: 48 Order on Motion to Extend) filed by Plaintiff Ann Tracy Botelho, Defendant Mary E. Buscone (LaPorte, Thomas) (Entered: 01/21/2020)
04/07/2020	50 (1 pg)	Order to Show Cause dated 04/07/2020. THE PARTIES HAVING BEEN ORDERED TO FILE A JOINT PRETRIAL MEMORANDUM ON OR BEFORE APRIL 2, 2020; AND BOTH PARTIES HAVING FAILED TO FILE EITHER A JOINT PRETRIAL MEMORANDUM OR, IN LIEU OF A JOINT MEMORANDUM, SEPARATE PRETRIAL MEMORANDA; AND THE PLAINTIFF BEARING THE BURDEN OF PROOF AS TO THE RELIEF SOUGHT IN THE COMPLAINT, THE PLAINTIFF IS HEREBY ORDERED TO SHOW CAUSE IN WRITING WHY THIS ADVERSARY PROCEEDING SHOULD NOT BE DISMISSED FOR FAILURE TO PROSECUTE. RESPONSES TO THIS ORDER SHALL BE FILED ON OR BEFORE APRIL 21, 2020 AT 4:30 PM. (nc) (Entered: 04/07/2020)
04/07/2020	51 (1 pg)	Joint Motion filed by Plaintiff Ann Tracy Botelho, Defendant Mary E. Buscone for Extension of Time to Complete Discovery [Re: 50 Order to Show Cause] with certificate of service. (Baker, David) (Entered: 04/07/2020)
04/09/2020	52 (2 pgs)	BNC Certificate of Mailing - PDF Document. (Re: 50 Order to Show Cause) Notice Date 04/09/2020. (Admin.) (Entered: 04/10/2020)

04/10/2020	53 (1 pg)	Order dated 4/10/2020 Re: 50 Order to Show Cause. THE COURT'S ORDER TO SHOW CAUSE IS HEREBY DEEMED SATISFIED. (lb) (Entered: 04/10/2020)
04/10/2020	54 (2 pgs)	TELEPHONIC Hearing Scheduled for 5/12/2020 at 10:30 A.M at Boston Courtroom 1, 12th Floor, 5 Post Office Square, Boston, MA 02109 Re: 51 Joint Motion filed by Plaintiff Ann Tracy Botelho, Defendant Mary E. Buscone for Extension of Time to Complete Discovery [Re: 50 Order to Show Cause]. BECAUSE OF THE CONCERNS ABOUT COVID-19, ALL PARTICIPANTS, INCLUDING ATTORNEYS, THE DEBTOR(S), WITNESSES, AFFIANTS, AND OTHER ATTENDEES SHALL APPEAR BY TELEPHONE AND MAY NOT APPEAR IN PERSON. TO APPEAR TELEPHONICALLY, ATTENDEES SHALL, AT THE APPOINTED TIME OF HEARING, DIAL (877) 336-1839 AND ENTER ACCESS CODE 7925100. TO FACILITATE INFORMAL DISCUSSIONS SIMILAR TO THOSE THAT OCCUR JUST PRIOR TO IN-PERSON HEARINGS, THE COURT REQUESTS THAT THE PARTIES ATTEMPT TO CONFER BRIEFLY 48 HOURS PRIOR TO THE SCHEDULED HEARING (mem) (Entered: 04/10/2020)
04/12/2020	55 (3 pgs)	BNC Certificate of Mailing - Hearing. (Re: 54 Hearing Scheduled) Notice Date 04/12/2020. (Admin.) (Entered: 04/13/2020)
04/12/2020	56 (2 pgs)	BNC Certificate of Mailing - PDF Document. (Re: 53 Order) Notice Date 04/12/2020. (Admin.) (Entered: 04/13/2020)
04/30/2020	57 (32 pgs; 2 docs)	Pre-Trial Memorandum with certificate of service (RE: 40 Scheduling and Pre-Trial Order dated 11/04/2019) filed by Plaintiff Ann Tracy Botelho (Attachments: # 1 Certificate of Service) (LaPorte, Thomas) (Entered: 04/30/2020)
05/01/2020	58 (2 pgs)	TELEPHONIC STATUS CONFERENCE Scheduled for 5/12/2020 at 10:30 A.M at Boston Courtroom 1, 12th Floor, 5 Post Office Square, Boston, MA 02109 Re: 1 Complaint by Ann Tracy Botelho against Mary E. Buscone. (mem) (Entered: 05/01/2020)
05/01/2020	59 (16 pgs; 2 docs)	Second Pre-Trial Statement with certificate of service (Re: 40 Pre-Trial Order) filed by Plaintiff Ann Tracy Botelho (Attachments: # 1 Certificate of Service) (LaPorte, Thomas) (Entered: 05/01/2020)
05/03/2020	60 (3 pgs)	BNC Certificate of Mailing - Hearing. (Re: 58 Hearing Scheduled) Notice Date 05/03/2020. (Admin.) (Entered: 05/04/2020)
05/12/2020	61 (1 pg)	Order dated 05/12/2020 RE: 1 Complaint by Ann Tracy Botelho against Mary E. Buscone. TELEPHONIC STATUS CONFERENCE HELD ON 5/12/2020. (nc) (Entered: 05/12/2020)
05/12/2020	62 (2 pgs)	Order dated 5/12/2020 RE: 51 Joint Motion filed by Plaintiff Ann Tracy Botelho, Defendant Mary E. Buscone for Extension of Time to Complete Discovery [Re: 50 Order to Show Cause]. TELEPHONIC HEARING HELD ON 5/12/2020. FOR THE REASONS STATED ON THE RECORD, THE MOTION IS ALLOWED. THE DISCOVERY DEADLINE IS EXTENDED TO JULY 15, 2020. THE PRETRIAL ORDER IS HEREBY AMENDED TO REFLECT THIS CHANGE. (nc) (Entered: 05/12/2020)

05/14/2020	63 (2 pgs)	BNC Certificate of Mailing - PDF Document. (Re: 61 Order) Notice Date 05/14/2020. (Admin.) (Entered: 05/15/2020)
06/25/2020	64 (9 pgs)	Amended Supplemental Joint Pre-Trial Memorandum with certificate of service (RE: 40 Pre-Trial Order) filed by Plaintiff Ann Tracy Botelho (LaPorte, Thomas) (Entered: 06/25/2020)
06/26/2020	65 (3 pgs)	Request for a Pre-Motion per Scheduling and Pretrial Order, Paragraph 10 and Fed. R. Civ. P. 16(B)(3)(B)(V); Or in the Alternative, for an Order Allowing the Filing of a Motion to Compel, and Sanctions, or Further Extension for Defendant to Comply With Her Discovery and Joint Pre-Trial Memorandum Obligations, and for an Order Awarding Plaintiff Her Reasonable Attorneys with certificate of service filed by Plaintiff Ann Tracy Botelho (LaPorte, Thomas) (Entered: 06/26/2020)
06/27/2020	66 (2 pgs)	Motion filed by Defendant Mary E. Buscone to Strike (Re: 57 Pre-Trial Statement, 59 Pre-Trial Statement, 64 Amended Document) with certificate of service. (Baker, David) (Entered: 06/27/2020)
06/27/2020	67 (1 pg)	Motion filed by Defendant Mary E. Buscone for Leave to File Response [Re: 65 Request] with certificate of service. (Baker, David) (Entered: 06/27/2020)
06/30/2020	68 (2 pgs)	Order dated 6/30/2020 Re: 65 Request for a Pre-Motion per Scheduling and Pretrial Order, Paragraph 10 and Fed. R. Civ. P. 16(B)(3)(B)(V); Or in the Alternative, for an Order Allowing the Filing of a Motion to Compel, and Sanctions, or Further Extension for Defendant to Comply With Her Discovery and Joint Pre-Trial Memorandum Obligations, and for an Order Awarding Plaintiff Her Reasonable Attorneys. THIS REQUEST DOES NOT COMPLY WITH THIS COURT'S PRETRIAL ORDER. THE COURT WILL DISREGARD THE SUBSTANCE OF THE REQUEST AND WILL HOLD A TELEPHONIC CONFERENCE ON JULY 2, 2020 AT 12:30 P.M. TO APPEAR TELEPHONICALLY, ATTENDEES SHALL, AT THE APPOINTED TIME, DIAL (877) 336-1839 AND ENTER ACCESS CODE 7925100. (lb) (Entered: 06/30/2020)
06/30/2020	69 (1 pg)	Order dated 6/30/2020 Re: 67 Motion filed by Defendant Mary E. Buscone for Leave to File Response [Re: 65 Request]. DENIED: THE COURT HAS DISREGARDED THE SUBSTANCE OF THE PLAINTIFF'S REQUEST. AS SUCH, A RESPONSE IS UNNECESSARY. (lb) (Entered: 06/30/2020)
07/02/2020	70 (3 pgs)	BNC Certificate of Mailing - PDF Document. (Re: 68 Order) Notice Date 07/02/2020. (Admin.) (Entered: 07/03/2020)
07/02/2020	71 (2 pgs)	BNC Certificate of Mailing - PDF Document. (Re: 69 Order on Motion for Leave to File) Notice Date 07/02/2020. (Admin.) (Entered: 07/03/2020)
07/02/2020	72 (1 pg)	Order dated 07/02/2020 RE: 65 Request for a Pre-Motion per Scheduling and Pretrial Order, Paragraph 10 and Fed. R. Civ. P. 16(B)(3)(B)(V); Or in the Alternative, for an Order Allowing the Filing of a Motion to Compel, and Sanctions, or Further Extension for Defendant to Comply With Her Discovery and Joint Pre-Trial Memorandum Obligations, and for an Order Awarding Plaintiff Her Reasonable Attorneys. TELEPHONIC OFF THE RECORD CONFERENCE HELD 7/2/2020. THE PLAINTIFF HAS LEAVE TO FILE DISCOVERY MOTIONS TO THE EXTENT THEY

		WERE THE SUBJECT OF THE OFF THE RECORD CONFERENCE. (nc) (Entered: 07/06/2020)
07/08/2020	73 (2 pgs)	BNC Certificate of Mailing - PDF Document. (Re: 72 Order) Notice Date 07/08/2020. (Admin.) (Entered: 07/09/2020)
07/10/2020	74 (2 pgs)	DISREGARD: Request from Thomas C. LaPorte Plaintiff Ann Tracy Botelho for <i>Motion Extending her Discovery 60 Days and to an Additional 2 hours to Depose Debtor</i> with certificate of service. filed by Plaintiff Ann Tracy Botelho (LaPorte, Thomas) CORRECTIVE ENTRY: Incorrect Event Used. Two Day Order Issued to Re-File Using Correct Event. Modified on 7/10/2020 (nc). (Entered: 07/10/2020)
07/10/2020	75 (2 pgs)	Order Requiring Corrective Action. You are hereby ORDERED to file the required document(s) identified in the attached order within (2) business days of the date of this order RE: 74 Request filed by Plaintiff Ann Tracy Botelho. (nc) (Entered: 07/10/2020)
07/14/2020	76 (2 pgs)	Motion filed by Plaintiff Ann Tracy Botelho to Extend Time to Comply [Re: 40 Pre-Trial Order] with certificate of service. (LaPorte, Thomas) (Entered: 07/14/2020)
07/15/2020	77 (1 pg)	Response with certificate of service filed by Defendant Mary E. Buscone Re: 76 Motion filed by Plaintiff Ann Tracy Botelho to Extend Time to Comply [Re: 40 Pre-Trial Order] with certificate of service. (Baker, David) (Entered: 07/15/2020)
07/17/2020	78 (1 pg)	Order dated 7/17/2020 Re: 66 Motion filed by Defendant Mary E. Buscone to Strike (Re: 57 Pre-Trial Statement, 59 Pre-Trial Statement, 64 Amended Document). NO OBJECTION HAVING BEEN FILED, THE PRE-TRIAL STATEMENTS FILED BY THE PLAINTIFF ARE HEREBY STRICKEN WITHOUT PREJUDICE TO REFILE JOINTLY, OR SEPARATELY IF NECESSARY, UPON COMPLETION OF DISCOVERY. (lb) (Entered: 07/17/2020)
07/17/2020	79 (1 pg)	Order dated 7/17/2020 Re: 76 Motion filed by Plaintiff Ann Tracy Botelho to Extend Time to Comply [Re: 40 Pre-Trial Order]. GRANTED AS FOLLOWS: THE TIME FOR COMPLETING DISCOVERY IS HEREBY EXTENDED THROUGH SEPTEMBER 14, 2020 FOR BOTH PARTIES. BOTH PARTIES ARE AUTHORIZED TO DEPOSE THE OPPOSING PARTY FOR A TOTAL OF SIX (6) HOURS. THE TIME FOR THE PARTIES TO FILE A JOINT PRE-TRIAL MEMORANDUM, OR SEPARATE MEMORANDA IF NECESSARY, IS HEREBY EXTENDED TO OCTOBER 14, 2020. (lb) (Entered: 07/17/2020)
07/19/2020	80 (2 pgs)	BNC Certificate of Mailing - PDF Document. (Re: 78 Order) Notice Date 07/19/2020. (Admin.) (Entered: 07/20/2020)
09/09/2020	81 (4 pgs)	Motion filed by Plaintiff Ann Tracy Botelho to Compel Discovery, Fees and Sanctions . (LaPorte, Thomas) (Entered: 09/09/2020)
09/09/2020	82 (27 pgs; 2 docs)	Affidavit of Attorney Thomas C. LaPorte for <i>Fees and & Facts Filed in Support of Plaintiff's Motion for Reimbursement of Atty. Fees</i> (Re: 81 Motion to Compel) filed by Plaintiff Ann Tracy Botelho (Attachments: # 1 Exhibit A & B to Affidavit of Atty's Fees and Facts Filed in Support of Plaintiff's Motion for Reimbursement of Atty's Fees Unnecessarily

		Incurred and for Sanctions Pursuant to Fed.R. Civ. Proc. 37) (LaPorte, Thomas) (Entered: 09/09/2020)
09/09/2020	83 (2 pgs)	Certificate of Compliance with certificate of service (Re: 81 Motion to Compel) filed by Plaintiff Ann Tracy Botelho (LaPorte, Thomas) (Entered: 09/09/2020)
09/10/2020	84 (2 pgs)	Motion filed by Defendant Mary E. Buscone to Strike (RE: 81 Motion to Compel Discovery, Fees and Sanctions) with certificate of service. (Baker, David) (Entered: 09/10/2020)
09/16/2020	85 (6 pgs)	DISREGARD: Brief/Memorandum of Plaintiff In Opposition to Motion to Strike (Paper No. 84) (Re: 84 Motion to Strike) filed by Plaintiff Ann Tracy Botelho (LaPorte, Thomas) CORRECTIVE ENTRY: Incorrect Event used. Two Day order Issued to Re-File Using Correct Event. Modified on 9/16/2020 (nc). (Entered: 09/16/2020)
09/16/2020	86 (2 pgs)	Order Requiring Corrective Action. You are hereby ORDERED to file the required document(s) identified in the attached order within (2) business days of the date of this order RE: 85 Brief/Memorandum filed by Plaintiff Ann Tracy Botelho. (nc) (Entered: 09/16/2020)
09/20/2020	87 (8 pgs)	Reply with certificate of service filed by Defendant Mary E. Buscone Re: 88 Opposition Re: 84 Motion filed by Defendant Mary E. Buscone to Strike (Re: 81 Motion to Compel) with certificate of service. (Baker, David). (Entered: 09/20/2020)
09/21/2020	88 (6 pgs)	Opposition to Motion to Strike with certificate of service filed by Plaintiff Ann Tracy Botelho Re: 84 Motion filed by Defendant Mary E. Buscone to Strike (Re: 81 Motion to Compel) with certificate of service. (LaPorte, Thomas) (Entered: 09/21/2020)
09/21/2020	89 (2 pgs)	Motion filed by Plaintiff Ann Tracy Botelho to Strike (Re: 87 Reply) with certificate of service. (LaPorte, Thomas) (Entered: 09/21/2020)
09/28/2020	90 (8 pgs)	Affidavit of Thomas C. LaPorte Supplemental Affidavit of Thomas C. LaPorte with certificate of service (Re: 81 Motion to Compel) filed by Plaintiff Ann Tracy Botelho (LaPorte, Thomas) (Entered: 09/28/2020)
09/28/2020	91 (5 pgs)	Affidavit of David G. Baker, Esq. with certificate of service (Re: 81 Motion to Compel, 82 Affidavit/Declaration, 88 Opposition, 89 Motion to Strike, 90 Affidavit/Declaration) filed by Defendant Mary E. Buscone (Baker, David) (Entered: 09/28/2020)
09/29/2020	92 (2 pgs)	Order dated 9/29/2020 Re: 81 Motion to Compel Discovery, 84 Motion to Strike and 89 Motion to Strike 87 Reply. THE COURT SHALL HOLD A TELEPHONIC HEARING ON THE PLAINTIFF'S MOTION TO COMPEL DISCOVERY, FEES AND SANCTIONS [#81], THE DEFENDANT'S MOTION TO STRIKE THE PLAINTIFF'S MOTION TO COMPEL [#84], AND THE PLAINTIFF'S MOTION TO STRIKE THE DEFENDANT'S REPLY TO THE PLAINTIFF'S OPPOSITION TO THE DEFENDANT'S MOTION TO STRIKE [#89] ON OCTOBER 13, 2020, AT 11:00 A.M. THE PARTIES ARE NOT PERMITTED TO FILE ANY FURTHER PLEADINGS OR DOCUMENTS RELATING TO THESE MATTERS. BECAUSE OF CONCERNS ABOUT COVID-19, ALL PARTICIPANTS, INCLUDING ATTORNEYS, THE DEBTOR(S), WITNESSES, AFFIANTS, AND OTHER ATTENDEES SHALL

		<p>APPEAR BY TELEPHONE AND MAY NOT APPEAR IN PERSON. TO APPEAR TELEPHONICALLY, ATTENDEES SHALL, AT THE APPOINTED TIME OF HEARING, DIAL (877) 336-1839 AND ENTER ACCESS CODE 7925100. TO FACILITATE INFORMAL DISCUSSIONS SIMILAR TO THOSE THAT OCCUR JUST PRIOR TO IN-PERSON HEARINGS, THE COURT REQUESTS THAT THE PARTIES ATTEMPT TO CONFER BRIEFLY 48 HOURS PRIOR TO THE SCHEDULED HEARING. (lb) (Entered: 09/29/2020)</p>
10/01/2020	93 (4 pgs)	BNC Certificate of Mailing - PDF Document. (Re: 92 Order To Set Hearing) Notice Date 10/01/2020. (Admin.) (Entered: 10/02/2020)
10/13/2020	94 (1 pg)	Order dated 10/13/2020 RE: 89 Motion filed by Plaintiff Ann Tracy Botelho to Strike (Re: 87 Reply). TELEPHONIC HEARING HELD ON 10/13/2020. THE PLAINTIFF'S MOTION TO STRIKE IS HEREBY DENIED. (nc) (Entered: 10/13/2020)
10/13/2020	95 (1 pg)	Order dated 10/13/2020 RE: 84 Motion filed by Defendant Mary E. Buscone to Strike (RE: 81 Motion to Compel Discovery, Fees and Sanctions). TELEPHONIC HEARING HELD ON 10/13/2020. THE DEFENDANT'S MOTION TO STRIKE IS HEREBY DENIED. (nc) (Entered: 10/13/2020)
10/13/2020	96 (2 pgs)	Order dated 10/13/2020 RE: 81 Motion filed by Plaintiff Ann Tracy Botelho to Compel Discovery, Fees and Sanctions. TELEPHONIC HEARING HELD ON 10/13/2020. FOR THE REASONS STATED ON THE RECORD, THE PLAINTIFF'S MOTION TO COMPEL DISCOVERY, FEES, AND SANCTIONS IS HEREBY GRANTED. See Order for Complete Text. (nc) (Entered: 10/13/2020)
10/15/2020	97 (3 pgs)	BNC Certificate of Mailing - PDF Document. (Re: 94 Order on Motion to Strike) Notice Date 10/15/2020. (Admin.) (Entered: 10/16/2020)
10/15/2020	98 (3 pgs)	BNC Certificate of Mailing - PDF Document. (Re: 95 Order on Motion to Strike) Notice Date 10/15/2020. (Admin.) (Entered: 10/16/2020)
10/15/2020	99 (4 pgs)	BNC Certificate of Mailing - PDF Document. (Re: 96 Order on Motion to Compel) Notice Date 10/15/2020. (Admin.) (Entered: 10/16/2020)
10/20/2020	100 (2 pgs)	Motion filed by Defendant Mary E. Buscone to Extend Time to Comply [Re: 96 Order on Motion to Compel] with certificate of service. (Baker, David) (Entered: 10/20/2020)
10/20/2020	101 (1 pg)	Endorsed Order dated 10/20/2020 Re: 100 Motion filed by Defendant Mary E. Buscone to Extend Time to Comply [Re: 96 Order on Motion to Compel]. GRANTED ; THE TIME IS HEREBY EXTENDED TO NOVEMBER 3, 2020 AT 4:30 PM. HOWEVER, THE DEFENDANT IS REMINDED THAT THE COURT HAS DEEMED ANY OBJECTIONS SHE MAY HAVE TO THE PLAINTIFF'S REQUESTS AS WAIVED. SEE ORDER DATED 10/13/2020 [#96]. (Telam, Usbc) (Entered: 10/21/2020)
11/03/2020	102 (1 pg)	Motion filed by Defendant Mary E. Buscone to Extend Time to File Documents [Re: 101 Order on Motion to Extend] with certificate of service. (Baker, David) (Entered: 11/03/2020)

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11/04/2020	<u>103</u> (1 pg)	Order dated 11/4/2020 Re: <u>102</u> Motion filed by Defendant Mary E. Buscone to Extend Time to File Documents [Re: <u>101</u> Order on Motion to Extend]. GRANTED . THE TIME IS HEREBY FURTHER EXTENDED TO NOVEMBER 4, 2020, AT 4:30 P.M. (Telam, Usbc) (Entered: 11/04/2020)
11/04/2020	<u>104</u> (5 pgs)	Defendant Response filed by Defendant Mary E. Buscone (Re: <u>96</u> Order, <u>81</u> Motion filed by Plaintiff Ann Tracy Botelho to Compel Discovery, Fees and Sanctions filed by Plaintiff Ann Tracy Botelho). (Baker, David) (Entered: 11/04/2020)
11/04/2020	<u>105</u> (32 pgs; 2 docs)	Motion filed by Plaintiff Ann Tracy Botelho for Reimbursement, For Additional Other Monetary Sanctions and in the Form of an Entry of Default Judgment Against the Defendant with certificate of service. (Attachments: # <u>1</u> Exhibit A-C) (LaPorte, Thomas) (Entered: 11/04/2020)
11/05/2020	<u>106</u> (3 pgs)	Objection with certificate of service filed by Defendant Mary E. Buscone Re: <u>105</u> Motion filed by Plaintiff Ann Tracy Botelho for Sanctions or Costs with certificate of service. (Baker, David) (Entered: 11/05/2020)
11/06/2020	<u>107</u> (2 pgs)	TELEPHONIC Hearing Scheduled for 11/17/2020 at 11:00 A.M at Boston Courtroom 1, 12th Floor, 5 Post Office Square, Boston, MA 02109 Re: <u>105</u> Motion filed by Plaintiff Ann Tracy Botelho for Reimbursement, For Additional Other Monetary Sanctions and in the Form of an Entry of Default Judgment Against the Defendant. BECAUSE OF THE CONCERNS ABOUT COVID-19, ALL PARTICIPANTS, INCLUDING ATTORNEYS, THE DEBTOR(S), WITNESSES, AFFIANTS, AND OTHER ATTENDEES SHALL APPEAR BY TELEPHONE AND MAY NOT APPEAR IN PERSON. TO APPEAR TELEPHONICALLY, ATTENDEES SHALL, AT THE APPOINTED TIME OF HEARING, DIAL (877) 336-1839 AND ENTER ACCESS CODE 7925100. TO FACILITATE INFORMAL DISCUSSIONS SIMILAR TO THOSE THAT OCCUR JUST PRIOR TO IN-PERSON HEARINGS, THE COURT REQUESTS THAT THE PARTIES ATTEMPT TO CONFER BRIEFLY 48 HOURS PRIOR TO THE SCHEDULED HEARING. (mem) (Entered: 11/06/2020)
11/08/2020	<u>108</u> (4 pgs)	BNC Certificate of Mailing - Hearing. (Re: <u>107</u> Hearing Scheduled) Notice Date 11/08/2020. (Admin.) (Entered: 11/09/2020)
11/17/2020	<u>109</u> (2 pgs)	Motion filed by Defendant Mary E. Buscone for Leave to File Supplement [Re: <u>105</u> Motion for Sanctions/Costs] with certificate of service. (Baker, David) (Entered: 11/17/2020)
11/18/2020	<u>110</u> (1 pg)	Endorsed Order dated 11/18/2020 Re: <u>109</u> Motion filed by Defendant Mary E. Buscone for Leave to File Supplement [Re: <u>105</u> Motion for Sanctions/Costs]. LEAVE TO FILE THE PRESENT DOCUMENT IS GRANTED ; ITS CONTENTS WILL BE TAKEN INTO CONSIDERATION. (Telam, Usbc) (Entered: 11/18/2020)
11/20/2020	<u>111</u> (3 pgs)	BNC Certificate of Mailing - PDF Document. (Re: <u>110</u> Order on Motion for Leave to File) Notice Date 11/20/2020. (Admin.) (Entered: 11/21/2020)
11/23/2020	<u>112</u> (2 pgs)	Motion filed by Plaintiff Ann Tracy Botelho for Leave to File Response to Defendant's Supplemental Opposition [Re: <u>110</u> Order on Motion for

Leave to File] with certificate of service. (LaPorte, Thomas) (Entered: 11/23/2020)

11/23/2020	<u>113</u> (2 pgs)	Objection with certificate of service filed by Defendant Mary E. Buscone Re: <u>112</u> Motion filed by Plaintiff Ann Tracy Botelho for Leave to File Response to Defendant's Supplemental Opposition [Re: <u>110</u> Order on Motion for Leave to File] with certificate of service. (Baker, David) (Entered: 11/23/2020)
12/01/2020	<u>114</u> (1 pg)	Order dated 12/1/2020 Re: <u>112</u> Motion filed by Plaintiff Ann Tracy Botelho for Leave to File Response to Defendant's Supplemental Opposition [Re: <u>110</u> Order on Motion for Leave to File]. DENIED . THE COURT DOES NOT REQUIRE FURTHER PLEADINGS ON THIS MATTER. (Telam, Usbc) (Entered: 12/01/2020)
12/02/2020	<u>115</u> (29 pgs)	An official transcript (RE: <u>107</u> TELEPHONIC Hearing Scheduled Re: <u>105</u> Motion filed by Plaintiff Ann Tracy Botelho for Reimbursement, For Additional Other Monetary Sanctions and in the Form of an Entry of Default Judgment Against the Defendant) heard on 11/17/2020 has been filed. Pursuant to Judicial Conference Policy, electronic access to transcripts is restricted for 90 days from the date of filing. The transcript is available for inspection at the Clerk's Office or a copy may be purchased from the transcriber. Contact the ECR Operator for transcriber information. Parties have until 12/23/2020 to file a Request for Redaction with the Court. If no request is filed, the transcript may be made available electronically on 03/3/2021. (Janice Russell Transcripts) (Entered: 12/02/2020)
12/03/2020	<u>116</u> (1 pg)	Notice of Filing of Official Transcript. Notice is hereby given that an official transcript has been filed. Pursuant to the Judicial Conference policy governing public access to transcripts of federal court proceedings, transcripts are not electronically available(online) until 90 days after filing but may be inspected by clerk's office or purchased from the court transcriber during the 90-day period. (ADI) (Entered: 12/03/2020)
12/03/2020	<u>117</u> (2 pgs)	BNC Certificate of Mailing - PDF Document. (Re: <u>114</u> Order on Motion for Leave to File) Notice Date 12/03/2020. (Admin.) (Entered: 12/04/2020)
12/05/2020	<u>118</u> (3 pgs)	BNC Certificate of Mailing - Notice (Re: <u>116</u> Notice of Filing of Official Transcript) Notice Date 12/05/2020. (Admin.) (Entered: 12/06/2020)
12/07/2020	<u>119</u> (1 pg)	Order dated 12/7/2020 Re: <u>81</u> Motion filed by Plaintiff Ann Tracy Botelho to Compel Discovery, Fees and Sanctions. AFTER CONSIDERATION AND REVIEW OF PLAINTIFF'S COUNSEL'S AFFIDAVIT AND SUPPLEMENTAL AFFIDAVIT [#82 & #89], DEFENDANT'S RESPONSE [#104], AND THE STATEMENTS MADE BY PLAINTIFF'S COUNSEL AT THE RECENT HEARING ON NOVEMBER 17, 2020, THE COURT HEREBY FINDS THAT COUNSEL CONDUCTED 27.45 HOURS OF WORK IN CONNECTION WITH THIS MOTION AND HIS AFFIDAVITS IN SUPPORT. AT A RATE OF \$310 PER HOUR, WHICH THE DEFENDANT DOES NOT DISPUTE IS REASONABLE, 27.45 HOURS OF WORK WOULD CALCULATE TO \$8,509.50. HOWEVER, WHERE PLAINTIFF'S COUNSEL INCLUDED IN HIS AFFIDAVIT SOME TIME ENTRIES NOT "INCURRED IN MAKING THE MOTION", BUT RATHER INCURRED IN REGULAR DISCOVERY PRACTICE AND WHERE THE COURT FINDS THAT

		<p>GREATER EFFICIENCIES COULD HAVE BEEN EMPLOYED IN MAKING THE MOTION, THE COURT FINDS THAT A 20% REDUCTION IN FEES IS APPROPRIATE. THE COURT ALSO FINDS THAT DEFENDANT'S COUNSEL IS RESPONSIBLE FOR THE FAILURES TO RESPOND WHICH GAVE RISE TO THIS MOTION. THEREFORE, THE COURT DIRECTS ATTORNEY BAKER TO PAY THE PLAINTIFF'S REASONABLE EXPENSES INCURRED IN MAKING THIS MOTION IN THE AMOUNT OF \$6,807.60. THIS IS IN ADDITION TO THE \$500 EXPENSE AND STENOGRAPHER BILL PREVIOUSLY ORDERED TO BE PAID. ATTORNEY BAKER SHALL MAKE ALL SUCH PAYMENTS ON OR BEFORE JANUARY 5, 2021. (Telam, Usbc) (Entered: 12/07/2020)</p>
12/07/2020	<u>120</u> (3 pgs)	<p>Order dated 12/7/2020 Re: <u>105</u> Motion filed by Plaintiff Ann Tracy Botelho for Reimbursement, For Additional Other Monetary Sanctions and in the Form of an Entry of Default Judgment Against the Defendant. TELEPHONIC HEARING HELD ON 11/17/2020. THE COURT HEREBY FINDS THAT THE DEFENDANT FAILED TO OBEY THIS COURT'S ORDER OF 10/13/2020 [#96] UNDER FRCP 37(A). THE ORDER CLEARLY DIRECTED THE DEFENDANT TO SERVE WRITTEN RESPONSES THAT COMPLY WITH FRCP 34 AND PRODUCE RESPONSIVE DOCUMENTS TO SPECIFICALLY ENUMERATED REQUESTS. AT THE HEARING, THE DEFENDANT'S COUNSEL ARGUED THAT HE WAS CONFUSED BY INTERROGATORIES THAT WERE MISNUMBERED, AND AFTER REPEATED QUESTIONING, FINALLY ADMITTED THAT RESPONSES TO THE DOCUMENT REQUESTS HAD NOT BEEN SERVED. PURSUANT TO FED. R. CIV. P. 37(B)(2)(A), MADE APPLICABLE HERETO BY FED. R. BANKR. P. 7037, WHEN A COURT FINDS THAT A PARTY HAS FAILED TO OBEY AN ORDER TO PROVIDE DISCOVERY, THE COURT MAY IMPOSE SANCTIONS. TO DETERMINE WHETHER A DISCOVERY SANCTION IS APPROPRIATE, COURTS MUST EVALUATE THE TOTALITY OF CIRCUMSTANCES GIVING RISE TO THE FAILURE. SEE MULERO-ABREU V. PUERTO RICO, 675 F.3D 88, 93 (1ST CIR. 2012). "PROCEDURALLY, THE COURT SHOULD CONSIDER (1) WHETHER THE OFFENDING PARTY WAS GIVEN SUFFICIENT NOTICE, AND (2) WHETHER THE OFFENDING PARTY HAS BEEN GIVEN AN OPPORTUNITY TO EXPLAIN ITS NONCOMPLIANCE OR ARGUE FOR A LESSER PENALTY." ANGIODYNAMICS, INC. V. BIOLITEC AG, 991 F. SUPP. 2D 283, 290 (D. MASS. 2014), AFF'D, 780 F.3D 429 (1ST CIR. 2015). IN APPLYING THIS TEST, SOME OF THE FACTORS COURTS MAY CONSIDER ARE "THE SEVERITY OF THE VIOLATION, THE LEGITIMACY OF THE PARTY'S EXCUSE, REPETITION OF VIOLATIONS, THE DELIBERATENESS VEL NON OF THE MISCONDUCT, MITIGATING EXCUSES, PREJUDICE TO THE OTHER SIDE AND TO THE OPERATION OF THE COURT, AND THE ADEQUACY OF LESSER SANCTIONS," AS WELL AS ANY OTHER RELEVANT FACTORS. ROBSON V. HALLENBECK, 81 F.3D 1, 2-3 (1ST CIR. 1996). THESE FACTORS HELP DISTINGUISH GOOD FAITH ATTEMPTS TO COMPLY WITH DISCOVERY OBLIGATIONS FROM DELIBERATE, BAD FAITH REFUSALS TO DO SO. SEE BENITEZ-GARCIA V. GONZALEZ-VEGA, 468 F.3D 1, 5 (1ST CIR. 2006). THE FACTORS SERVE AS A GUIDE, HOWEVER, AND NEED NOT BE APPLIED MECHANICALLY. SEE ID. IN THIS CASE, THE DEFENDANT WAS GIVEN SUFFICIENT NOTICE THAT THE PLAINTIFF IS SEEKING ENTRY OF A DEFAULT JUDGMENT AS A SANCTION AS IT WAS PROMINENTLY STATED IN THE VERY TITLE OF HER MOTION. THE DEFENDANT WAS GIVEN AN OPPORTUNITY AT AND</p>

BEFORE THE HEARING ON NOVEMBER 17, 2020 TO EXPLAIN HER NONCOMPLIANCE AND ARGUE FOR A LESSER PENALTY. THE RECORD SHOWS THE COURT FIRST BECAME AWARE OF THIS DISCOVERY ISSUE IN LATE JUNE/EARLY JULY 2020 AND THAT PLAINTIFF'S COUNSEL HAD BEEN CORRESPONDING WITH DEFENDANT'S COUNSEL ABOUT OUTSTANDING DISCOVERY SINCE AT LEAST MARCH 2020. THE COURT HELD AN OFF-THE-RECORD CONFERENCE ON JULY 2, 2020 TO HELP THE PARTIES RESOLVE THIS DISPUTE WITHOUT MOTION PRACTICE, BUT TO NO AVAIL. THE PLAINTIFF THEN FILED HER MOTION TO COMPEL ON SEPTEMBER 9, 2020 ARGUING THAT THE DEFENDANT HAD FAILED TO RESPOND TO RULE 34 REQUESTS AND TO PRODUCE DOCUMENTS RESPONSIVE TO SUCH REQUESTS. PRIOR TO THE HEARING ON THE MOTION TO COMPEL, THE PLAINTIFF'S COUNSEL FILED A SUPPLEMENTAL AFFIDAVIT IN WHICH HE AVERRED THAT THE DEFENDANT HAD ALSO, WITHOUT NOTICE, FAILED TO APPEAR FOR A PROPERLY SCHEDULED DEPOSITION. THE COURT ALLOWED THE MOTION TO COMPEL AND ORDERED THE DEFENDANT TO RESPOND TO SPECIFICALLY ENUMERATED REQUESTS AND PRODUCE RESPONSIVE DOCUMENTS ON OR BEFORE OCTOBER 20, 2020. ON OCTOBER 20, 2020, THE DEFENDANT SOUGHT AN EXTENSION OF TIME TO NOVEMBER 3, 2020 TO COMPLY WITH THE COURT'S ORDER, WHICH WAS GRANTED. WHEN THE DEFENDANT FAILED TO COMPLY WITH THE COURT'S ORDER, ON NOVEMBER 4, 2020, THE PLAINTIFF FILED THIS MOTION SEEKING, INTER ALIA, ENTRY OF A DEFAULT JUDGMENT BASED ON THE DEFENDANT'S FAILURE TO COMPLY WITH THE COURT'S ORDER TO PRODUCE RESPONSES AND DOCUMENTS. THE DEFENDANT AND HER COUNSEL HAVE PROVIDED NO CREDITABLE ARGUMENT FOR HER FAILURE TO COMPLY. THE COURT FINDS THAT THE PLAINTIFF HAS BEEN AND CONTINUES TO BE PREJUDICED BY THE DEFENDANT AND HER COUNSEL'S FAILURE TO FOLLOW EVEN THE MOST BASIC REQUIREMENTS OF THE DISCOVERY RULES. THE PLAINTIFF CANNOT BE EXPECTED TO PROSECUTE A CASE IN WHICH SHE HAS THE BURDEN OF PROOF WHERE THE DEFENDANT AND HER COUNSEL HAVE FAILED TO RESPOND TO DISCOVERY FOR MANY MONTHS AND THEN OBFUSCATED THE ISSUES WHEN CALLED UPON TO ANSWER FOR THIS AVOIDANCE. THE DEFENDANT HAS NOT ARGUED THE ADEQUACY OF LESSER SANCTIONS. IN THE COURT'S VIEW, LESSER SANCTIONS ARE SIMPLY INADEQUATE UNDER THE CIRCUMSTANCES. THE COURT HAS ALREADY SHIFTED FEES TO THE DEFENDANT AND HER COUNSEL FOR DISCOVERY ABUSES [#96], BUT THE DEFENDANT AND HER COUNSEL WERE UNMOVED BY THOSE SANCTIONS. PURSUANT TO FRCP 37(B)(2)(A)(VI), ONE OF THE SANCTIONS A COURT MAY IMPOSE ON A RECALCITRANT PARTY IS TO ENTER A DEFAULT JUDGMENT AGAINST HER. THIS COURT IS HIGHLY RELUCTANT TO USE ENTER SUCH A SERIOUS SANCTION AND HAS RARELY, IF EVER DONE SO. BUT BASED ON THE FINDINGS ABOVE, THE COURT HAS DETERMINED THAT ENTRY OF DEFAULT JUDGMENT AGAINST THE DEFENDANT IS FULLY WARRANTED. DEFAULT JUDGMENT SHALL ENTER BY SEPARATE ORDER. PURSUANT TO FRCP 37(B)(2)(C), WHEN A COURT FINDS THAT A PARTY'S FAILURE TO COMPLY WITH AN ORDER TO PRODUCE DISCOVERY WAS NOT SUBSTANTIALLY JUSTIFIED AND THAT NO OTHER CIRCUMSTANCES EXIST TO MAKE AN AWARD OF EXPENSES UNJUST, THE COURT MUST REQUIRE THAT PARTY, OR HER COUNSEL, TO PAY THE OTHER

			PARTY'S REASONABLE EXPENSES INCURRED IN MAKING THE MOTION, INCLUDING ATTORNEY'S FEES. THE COURT ALSO FINDS THE DEFENDANT'S FAILURE TO COMPLY WITH THE ORDER DATED 10/13/2020 WAS NOT SUBSTANTIALLY JUSTIFIED AND THAT NO OTHER CIRCUMSTANCES EXIST TO MAKE AN AWARD OF EXPENSES UNJUST. BASED ON THE PLAINTIFF'S MOTION AND STATEMENTS MADE BY HER COUNSEL AT THE HEARING, THE COURT HEREBY FINDS THAT COUNSEL CONDUCTED 9.5 HOURS OF WORK IN CONNECTION WITH THIS MOTION. AT A RATE OF \$310 PER HOUR, WHICH THE DEFENDANT DOES NOT DISPUTE IS REASONABLE, 9.5 HOURS OF WORK WOULD CALCULATE TO \$2,945.00. HOWEVER, WHERE THE COURT FINDS THAT GREATER EFFICIENCIES COULD HAVE BEEN EMPLOYED IN MAKING THE MOTION, THE COURT FINDS THAT A 20% REDUCTION IN FEES IS APPROPRIATE. THE COURT ALSO FINDS THAT DEFENDANT'S COUNSEL IS RESPONSIBLE FOR THE FAILURES TO RESPOND WHICH GAVE RISE TO THIS MOTION. THEREFORE, THE COURT DIRECTS ATTORNEY BAKER TO PAY THE PLAINTIFF'S REASONABLE EXPENSES INCURRED IN MAKING THIS MOTION IN THE AMOUNT OF \$2,356.00. ATTORNEY BAKER SHALL MAKE ALL SUCH PAYMENTS ON OR BEFORE JANUARY 5, 2021. (Telam, Usbc) (Entered: 12/07/2020)
12/07/2020	121 (1 pg)		Default Judgment dated 12/7/2020. THE PLAINTIFF HAVING FILED A COMPLAINT TO DETERMINE THE DISCHARGEABILITY OF A JUDGMENT DEBT OF THE DEFENDANT TO THE PLAINTIFF; THE PLAINTIFF HAVING MOVED FOR A SANCTION OF DEFAULT JUDGMENT UNDER FRCP 37(B); GOOD CAUSE HAVING BEEN STATED; AND FOR THE REASONS STATED IN THE COURT'S PROCEEDING MEMORANDUM AND ORDER OF 12/4/2020, THE COURT HEREBY ORDERS, ADJUDGES, AND DECLARES THAT THE JUDGMENT DEBT OF THE DEFENDANT AND DEBTOR, MARY E. BUSCONE, TO THE PLAINTIFF, ANN TRACY BOTELHO, IN THE PRINCIPAL AMOUNT OF \$91,673.45, PLUS ALL INTEREST AND COSTS DUE THEREUNDER, IS EXCEPTED FROM DISCHARGE. (Telam, Usbc) (Entered: 12/07/2020)
12/09/2020	122 (2 pgs)		BNC Certificate of Mailing - PDF Document. (Re: 119 Order) Notice Date 12/09/2020. (Admin.) (Entered: 12/10/2020)
12/09/2020	123 (4 pgs)		BNC Certificate of Mailing - PDF Document. (Re: 120 Order on Motion For Sanctions/Costs) Notice Date 12/09/2020. (Admin.) (Entered: 12/10/2020)
12/09/2020	124 (2 pgs)		BNC Certificate of Mailing - PDF Document. (Re: 121 Default Judgment) Notice Date 12/09/2020. (Admin.) (Entered: 12/10/2020)
12/21/2020	125 (8 pgs)		Motion filed by Defendant Mary E. Buscone for Relief from Order (Re: 35 Order on Motion to Dismiss Adversary Proceeding, 119 Order, 120 Order on Motion For Sanctions/Costs, 121 Default Judgment) with certificate of service. (Baker, David) (Entered: 12/22/2020)
12/22/2020	126 (56 pgs)		Exhibit (<i>Part 1</i>) (Re: 125 Motion to Reconsider) filed by Defendant Mary E. Buscone (Baker, David) (Entered: 12/22/2020)
12/29/2020	127 (6 pgs)		Memorandum (Part 2) In Support of (Re: 125 Motion to Reconsider) filed by Defendant Mary E. Buscone. (Baker, David) (Entered: 12/29/2020)

01/01/2021	128 (5 pgs)	Memorandum (Part 3), In Support (Re: 125 Motion to Reconsider) filed by Defendant Mary E. Buscone with certificate of service. (Baker, David) (Entered: 01/01/2021)
01/03/2021	129 (1 pg)	Exhibit (Part 2) (Re: 125 Motion to Reconsider) filed by Defendant Mary E. Buscone. (Baker, David) (Entered: 01/03/2021)
01/04/2021	130 (1 pg)	Order dated 1/4/2021 Re: 125 Motion filed by Defendant Mary E. Buscone for Relief from Order (Re: 119 Order, 120 Order on Motion For Sanctions/Costs, 121 Default Judgment). THIS MOTION HAVING NOW BEEN FULLY BRIEFED, THE RESPONSE DEADLINE SHALL BE JANUARY 19, 2021. AS A PRELIMINARY MATTER, THE PLAINTIFF NEED NOT RESPOND TO SO MUCH OF THE MOTION AS SEEKS RELIEF FROM AND RECONSIDERATION OF THE ORDER THAT IS DOC. #35. IF NECESSARY, FURTHER BRIEFING ON THAT PORTION OF THE MOTION SHALL BE SCHEDULED AT A LATER DATE. (Telam, Usbc) (Entered: 01/04/2021)
01/06/2021	131 (2 pgs)	BNC Certificate of Mailing - PDF Document. (Re: 130 Order) Notice Date 01/06/2021. (Admin.) (Entered: 01/07/2021)
01/15/2021	132 (4 pgs)	Motion filed by Plaintiff Ann Tracy Botelho to Extend Time to Respond [Re: 125 Motion filed by Defendant Mary E. Buscone to Reconsider] with certificate of service. (LaPorte, Thomas) (Entered: 01/15/2021)
01/19/2021	133 (1 pg)	Endorsed Order dated 1/19/2021 Re: 132 Motion filed by Plaintiff Ann Tracy Botelho to Extend Time to Respond [Re: 125 Motion filed by Defendant Mary E. Buscone to Reconsider]. GRANTED . THE TIME IS HEREBY EXTENDED TO JANUARY 29, 2021 AT 4:30 PM. (Telam, Usbc) (Entered: 01/19/2021)
01/26/2021	134 (5 pgs)	Second Motion filed by Plaintiff Ann Tracy Botelho to Extend Time to Respond [Re: 125 Motion to Reconsider] with certificate of service. (LaPorte, Thomas) (Entered: 01/26/2021)
01/26/2021	135 (1 pg)	Endorsed Order dated 1/26/2021 Re: 134 Second Motion filed by Plaintiff Ann Tracy Botelho to Extend Time to Respond to 125 Motion to Reconsider GRANTED . THE TIME IS HEREBY EXTENDED TO FEBRUARY 5, 2021 AT 4:30 PM. (ymw) (Entered: 01/26/2021)
02/05/2021	136 (15 pgs; 2 docs)	Brief In Opposition to (Re: 125 Motion to Reconsider) filed by Plaintiff Ann Tracy Botelho. (Attachments: # 1 Affidavit) (LaPorte, Thomas) (Entered: 02/05/2021)
02/05/2021	137 (4 pgs)	Cross Motion filed by Plaintiff Ann Tracy Botelho for an Award Reimbursing Attorney's Fees, For Sanctions or Costs and for an Order to Show Cause Why Sanctions Should Not be Imposed. (LaPorte, Thomas) (Entered: 02/05/2021)
02/05/2021	138 (1 pg)	Certificate of Service filed by Plaintiff Ann Tracy Botelho (Re: 136 Brief/Memorandum filed by Plaintiff Ann Tracy Botelho, 137 Motion filed by Plaintiff Ann Tracy Botelho for Sanctions or Costs). (LaPorte, Thomas) (Entered: 02/05/2021)

02/08/2021	139 (2 pgs)	Opposition with certificate of service filed by Defendant Mary E. Buscone Re: 137 Motion filed by Plaintiff Ann Tracy Botelho for Sanctions or Costs. (Baker, David) (Entered: 02/08/2021)
02/19/2021	140 (2 pgs)	Order dated 2/19/2021 RE: 125 Motion filed by Defendant Mary E. Buscone for Relief from Order (Re: 35 Order on Motion to Dismiss Adversary Proceeding, 119 Order, 120 Order on Motion For Sanctions/Costs, 121 Default Judgment). THE DEFENDANT HAS NOT ASSERTED GROUNDS UNDER, AND INDEED HAS NOT EVEN CITED TO, FED. R. BANKR. P. 9023 OR 9024, TO WARRANT RECONSIDERATION OF THE COURT'S ORDERS DATED 12/7/2020 [#119 & #120] AND THE DEFAULT JUDGMENT ENTERED 12/7/2020 [#121]. THE DEFENDANT HAS NOT ESTABLISHED ANY "NEWLY DISCOVERED EVIDENCE OR A MANIFEST ERROR OF FACT OR LAW" WITH RESPECT TO THE DISMISSAL ORDER. *IN RE WEDGESTONE FINANCIAL*, 142 B.R. 7, 8 (BANKR. D. MASS. 1992). MOREOVER, THE MOTION IS AN UNTIMELY ATTEMPT TO SEEK REVIEW OF THIS COURT'S ORDER DATED 10/9/2019 [#35]. THE MOTION IS DENIED. THIS COURT IS OF THE VIEW THAT IT MAY DETERMINE THE AMOUNT OF A CLAIM IN A NONDISCHARGEABILITY ACTION. *SEE IN RE HUANG*, 509 B.R. 742 (BANKR. D. MASS. 2014). IN ANY EVENT, THE AMOUNT LISTED IN THE DEFAULT JUDGMENT [#121] IS THE AMOUNT LISTED IN THE DEBTOR-DEFENDANT'S SCHEDULE E/F AS UNDISPUTED. THEREFORE, THE COURT SEES NO REASON TO AMEND ITS JUDGMENT. (nc) (Entered: 02/19/2021)
02/19/2021	141 (1 pg)	Order dated 2/19/2021 RE: 137 Cross Motion filed by Plaintiff Ann Tracy Botelho for an Award Reimbursing Attorney's Fees, For Sanctions or Costs and for an Order to Show Cause Why Sanctions Should Not be Imposed. DENIED , THE COURT SEES NO REASON TO IMPOSE FURTHER SANCTIONS IN THIS CASE. (nc) (Entered: 02/19/2021)
02/21/2021	142 (3 pgs)	BNC Certificate of Mailing - PDF Document. (Re: 140 Order on Motion To Reconsider) Notice Date 02/21/2021. (Admin.) (Entered: 02/22/2021)
02/21/2021	143 (2 pgs)	BNC Certificate of Mailing - PDF Document. (Re: 141 Order on Motion For Sanctions/Costs) Notice Date 02/21/2021. (Admin.) (Entered: 02/22/2021)
02/27/2021	144 (3 pgs; 2 docs)	Notice of Appeal and Statement of Election to Bankruptcy Appellate Panel. Fee Amount \$298 Filed by Defendant Mary E. Buscone (RE: 140 Order on Motion To Reconsider). Appellant Designation due by 03/15/2021. Compiled Records Due by 03/29/2021. Transmission of Designation Due by 03/29/2021. (Attachments: # 1 Order on Appeal) (Baker, David) (Entered: 02/27/2021)
02/27/2021	145 (1 pg)	Notice of Appeal and Statement of Election to Bankruptcy Appellate Panel. Fee Amount \$298 Filed by Defendant Mary E. Buscone (RE: 140 Order on Motion To Reconsider). Appellant Designation due by 03/15/2021. Compiled Records Due by 03/29/2021. Transmission of Designation Due by 03/29/2021. (Baker, David) (Entered: 02/27/2021)
02/27/2021		Receipt of filing fee for Notice of Appeal and Statement of Election(19-01037) [appeal,ntcaplel] (298.00). Receipt Number 19164283, amount \$ 298.00 (re: Doc# 145) (U.S. Treasury) (Entered: 02/27/2021)

03/01/2021	146 (1 pg)	Notice of Appeal to Bankruptcy Appellate Panel (Re: 144 Notice of Appeal and Statement of Election filed by Defendant Mary E. Buscone). (Telam, Usbc) (Entered: 03/01/2021)
03/01/2021	147 (25 pgs; 2 docs)	Initial Transmittal to BAP (Re: 144 Notice of Appeal and Statement of Election filed by Defendant Mary E. Buscone). (Telam, Usbc) (Entered: 03/01/2021)
03/01/2021		Receipt of filing fee for Notice of Appeal and Statement of Election(19-01037) [appeal,ntcaplel] (298.00). Receipt Number ERROR, amount \$ 298.00 (re: Doc# 144) (sl) (Entered: 03/01/2021)
03/01/2021	148 (14 pgs; 2 docs)	Additional Transmittal (Re: 144 Notice of Appeal and Statement of Election filed by Defendant Mary E. Buscone). (Telam, Usbc) (Entered: 03/01/2021)
03/02/2021		Notice of Docketing Record on Appeal to BAP Case Number: 21-0005 Re: 144 Notice of Appeal and Statement of Election filed by Defendant Mary E. Buscone. (sl) (Entered: 03/02/2021)
03/03/2021	149 (1 pg)	Notice of Withdrawal with certificate of service (Re: 145 Notice of Appeal and Statement of Election) filed by Defendant Mary E. Buscone (Baker, David) (Entered: 03/03/2021)
03/05/2021	150 (2 pgs)	Statement of Issues and Designation of Parties Filed by Defendant Mary E. Buscone (Re: 144 Notice of Appeal and Statement of Election). (Baker, David) (Entered: 03/05/2021)
03/05/2021	151 (2 pgs)	Appellant Designation under Appeal of Contents For Inclusion in Record On Appeal and Statement of Issues filed by Defendant Mary E. Buscone (Re: 144 Notice of Appeal and Statement of Election, 150 Statement of Issues and Designation of Parties). Appellee designation due by 3/19/2021. (Telam, Usbc) (Entered: 03/05/2021)
03/05/2021	152 (2 pgs)	Appellant Designation of Contents For Inclusion in Record On Appeal Filed by Defendant Mary E. Buscone (RE: 144 Notice of Appeal and Statement of Election). Appellee designation due by 03/19/2021. (Baker, David) (Entered: 03/05/2021)
03/19/2021	153 (3 pgs)	Appellee Designation of Contents for Inclusion in Record of Appeal Filed by Plaintiff Ann Tracy Botelho (RE: 144 Notice of Appeal and Statement of Election, 150 Statement of Issues). (LaPorte, Thomas) (Entered: 03/19/2021)
03/26/2021	154 (4 pgs)	Judgment of Partial Dismissal dated 3/25/2021 by Bankruptcy Appellate Panel Re: BAP Number: 21-0005 Re: 144 Notice of Appeal and Statement of Election to Bankruptcy Appellate Panel Filed by Defendant Mary E. Buscone Re: 140 Order on Motion To Reconsider. (sl) (Entered: 03/26/2021)
03/28/2021	155 (6 pgs)	BNC Certificate of Mailing - PDF Document. (Re: 154 Order from BAP re: Appeal) Notice Date 03/28/2021. (Admin.) (Entered: 03/29/2021)
03/29/2021	156 (3 pgs)	Order By Bankruptcy Appellate Panel Granting Motion for Reconsideration dated 3/26/2021 Re: BAP Number: 21-0005 Re: 154 Judgment of Partial Dismissal dated 3/25/2021 by Bankruptcy Appellate

			Panel Re: BAP Number: 21-005 Re: 144 Notice of Appeal and Statement of Election to Bankruptcy Appellate Panel Filed by Defendant Mary E. Buscone Re: 140 Order on Motion To Reconsider. (sl) (Entered: 03/29/2021)
03/29/2021	157 (295 pgs; 2 docs)		Transmittal of Appellant Record on Appeal to BAP (Re: 144 Notice of Appeal and Statement of Election filed by Defendant Mary E. Buscone, 145 Notice of Appeal and Statement of Election filed by Defendant Mary E. Buscone). (Telam, Usbc) (Entered: 03/29/2021)
03/29/2021	158 (112 pgs; 2 docs)		Transmittal of Appellee's Record on Appeal to BAP (Re: 144 Notice of Appeal and Statement of Election filed by Defendant Mary E. Buscone). (Telam, Usbc) (Entered: 03/29/2021)
03/31/2021	159 (5 pgs)		BNC Certificate of Mailing - PDF Document. (Re: 156 Order from BAP re: Appeal) Notice Date 03/31/2021. (Admin.) (Entered: 04/01/2021)
12/22/2021	160 (32 pgs; 2 docs)		Opinion and Judgment By Bankruptcy Appellate Panel Judges Godoy, Harwood, and Fagone, Re: BAP Number: 21-005 Re: 144 Notice of Appeal and Statement of Election to Bankruptcy Appellate Panel Filed by Defendant Mary E. Buscone. Affirmed. (Attachments: # 1 Judgment) (sl) (Entered: 12/22/2021)
12/24/2021	161 (32 pgs)		BNC Certificate of Mailing - PDF Document. (Re: 160 Order from BAP re: Appeal) Notice Date 12/24/2021. (Admin.) (Entered: 12/25/2021)
01/10/2022			Appealed to First Circuit Re: 144 Notice of Appeal and Statement of Election to Bankruptcy Appellate Panel filed by Defendant Mary E. Buscone Re: 140 Order on Motion To Reconsider. Case No. 22-9001. (sas) (Entered: 01/10/2022)
05/07/2022			By Order of Chief Judge Christopher J. Panos this case is reassigned to Chief Judge Christopher J. Panos. (ADI) (Entered: 05/07/2022)
03/01/2023	162 (48 pgs; 2 docs)		Final Order By First Circuit Court of Appeals Judges Gelpi, Lynch, and Thompson, Re: 144 Notice of Appeal and Statement of Election to Bankruptcy Appellate Panel Filed by Defendant Mary E. Buscone Re: 140 Order on Motion To Reconsider. First Circuit Number: 22-9001, Re: BAP: 21-05, Affirmed. (Attachments: # 1 Judgment) (jr) (Entered: 03/01/2023)
03/21/2023	163 (1 pg)		Mandate dated 3/20/2023 Issued by BAP Re: 144 Notice of Appeal and Statement of Election filed by Defendant Mary E. Buscone. (sl) (Entered: 03/21/2023)
03/21/2023	164 (1 pg)		Mandate dated 3/16/2023 Issued by First Circuit Court of Appeals Re: 144 Notice of Appeal and Statement of Election filed by Defendant Mary E. Buscone. (sl) (Entered: 03/21/2023)
06/06/2023	165 (8 pgs)		Emergency Motion filed by Plaintiff Ann Tracy Botelho For Contempt and for Sanctions. (LaPorte, Thomas) (Entered: 06/06/2023)
06/06/2023	166 (23 pgs)		Affidavit of Thomas C. LaPorte, Esq. <i>In Support of</i> (Re: 165 Motion for Contempt) filed by Plaintiff Ann Tracy Botelho (LaPorte, Thomas) (Entered: 06/06/2023)

06/09/2023	<u>167</u> (4 pgs)	Order dated 6/9/2023 Re: <u>165</u> Emergency Motion filed by Plaintiff Ann Tracy Botelho For Contempt and for Sanctions. THE COURT HEREBY SCHEDULES THE MOTION FOR A HYBRID HEARING ON JUNE 27, 2023 AT 2:30 P.M. (THE "HEARING"). OBJECTION DEADLINE 6/23/2023 AT 11:59 P.M. SEE ATTACHED NOTICE OF HEARING INFORMING PARTICIPANTS ON HOW TO ELECT TO APPEAR AT THE HEARING BY EITHER ZOOM VIDEO OR IN PERSON IN COURTROOM 3, HAROLD DONOHUE FEDERAL BUILDING AND COURTHOUSE, 595 MAIN STREET, WORCESTER, MA 01608. (See Order and Notice for Full Text) (dc) Modified on 6/9/2023 to Add Objection Deadline (hm). (Entered: 06/09/2023)
06/09/2023		Hybrid Hearing Scheduled for 6/27/2023 at 02:30 PM Re <u>165</u> Plaintiff's Emergency Motion for Contempt and for an Award of Attorney's Fees and Costs. Objections due by 6/23/2023 at 11:59 PM. (hm) (Entered: 06/09/2023)
06/11/2023	<u>168</u> (6 pgs)	BNC Certificate of Mailing - PDF Document. (Re: <u>167</u> Order on Motion for Contempt) Notice Date 06/11/2023. (Admin.) (Entered: 06/12/2023)
06/14/2023	<u>169</u> (13 pgs)	Objection with certificate of service filed by Defendant Mary E. Buscone Re: <u>165</u> Emergency Motion filed by Plaintiff Ann Tracy Botelho For Contempt and for Sanctions. (Baker, David) (Entered: 06/14/2023)
06/15/2023	<u>170</u> (3 pgs)	NOTICE OF RESCHEDULED HYBRID HEARING. The Hybrid Hearing Is Rescheduled to 6/28/2023 at 11:30 AM Re <u>165</u> Plaintiff's Emergency Motion for Contempt and for Sanctions. OBJECTION DEADLINE REMAINS THE SAME 6/23/2023 at 11:59 PM. PLEASE READ NOTICE FOR COMPLETE INSTRUCTIONS. (hm) (Entered: 06/15/2023)
06/17/2023	<u>171</u> (5 pgs)	BNC Certificate of Mailing - PDF Document. (Re: <u>170</u> Hearing Scheduled) Notice Date 06/17/2023. (Admin.) (Entered: 06/18/2023)
06/26/2023	<u>172</u> (27 pgs)	Emergency Motion filed by Defendant Mary E. Buscone to Continue Hearing [Re: <u>165</u> Motion for Contempt] with certificate of service. (Baker, David) (Entered: 06/26/2023)
06/27/2023	<u>173</u> (1 pg)	Order dated 6/27/2023 Re: <u>172</u> Emergency Motion filed by Defendant Mary E. Buscone to Continue Hearing Re: <u>165</u> Motion for Contempt. DENIED. IT DOES NOT APPEAR THE RECONSIDERATION REQUESTS PENDING WITH THE FIRST CIRCUIT COURT OF APPEALS AND THE BANKRUPTCY APPELLATE PANEL IMPACT CONSIDERATION OF WHETHER ATTORNEY BAKER AND/OR THE DEFENDANT ARE IN CONTEMPT OF THE ORDERS THAT ARE SUBJECT OF THE MOTION FOR CONTEMPT [DKT. NO. 165] (THE "MOTION") SCHEDULED FOR HEARING TOMORROW, 6/28/2023 AT 11:30 A.M. (THE "HEARING"), AND THE HEARING ON THE MOTION SHALL GO FORWARD AS SCHEDULED. THE COURT WILL CONSIDER ANY ARGUMENTS REGARDING THE APPROPRIATE REMEDIES FOR POTENTIAL CONTEMPT AT THE HEARING. (dc) (Entered: 06/27/2023)
06/27/2023	<u>174</u> (1 pg)	Notice of Video Appearance, with certificate of service (Re: <u>165</u> Motion for Contempt) filed by Defendant Mary E. Buscone (Baker, David) (Entered: 06/27/2023)

06/27/2023	175 (38 pgs; 2 docs)	Affidavit of Thomas C. LaPorte for Consideration at the Hybrid hearing of June 28, 2023 before Honorable Judge Panos with certificate of service (Re: 165 Motion for Contempt) filed by Plaintiff Ann Tracy Botelho (Attachments: # 1 Exhibit Exhibit A) (LaPorte, Thomas) (Entered: 06/27/2023)
06/28/2023		Hearing Held (Re: 165 Motion for Contempt filed by Plaintiff Ann Tracy Botelho) (dc) (Entered: 06/29/2023)
06/29/2023	176 (1 pg)	Proceeding Memorandum and Order dated 6/29/2023 Re: 165 Emergency Motion filed by Plaintiff Ann Tracy Botelho For Contempt and for Sanctions. UPON CONSIDERATION OF (a) THE EX PARTE MOTION [FOR] CONTEMPT AND FOR AN AWARD OF ATTORNEYS FEES AND COSTS [DKT. NO. 165] (THE MOTION) FILED BY PLAINTIFF ANN TRACY BOTELHO, (b) THE AFFIDAVITS OF PLAINTIFF'S COUNSEL, ATTORNEY THOMAS C. LAPORTE, IN SUPPORT OF THE MOTION [DKT. NOS. 166 AND 175], (c) THE OBJECTION [DKT. NO. 169] OF ATTORNEY BAKER, (d) THE ENTIRE RECORD OF THIS ADVERSARY PROCEEDING AND THE PRIOR ORDERS OF JUDGE BAILEY THAT ARE THE SUBJECT OF THE MOTION [DKT. NOS. 119 AND 120] (THE "ORDERS"), AND HAVING DIRECTED ATTORNEY BAKER TO SHOW CAUSE AS TO WHY HE SHOULD NOT BE HELD IN CONTEMPT AND BE SUBJECT TO FURTHER SANCTIONS AT THE HEARING ON THE MOTION, AND THE COURT HAVING HELD THE HEARING ON JUNE 28, 2023, AND CONSIDERED THE ARGUMENT OF COUNSEL, FOR THE REASONS STATED ON THE RECORD, THE COURT FINDS ATTORNEY BAKER IN CIVIL CONTEMPT OF THE ORDERS AND DIRECTS HIM TO PAY THE PLAINTIFF \$1,062.50 IN ORDER TO COMPENSATE THE PLAINTIFF FOR LOSSES SUSTAINED. ATTORNEY BAKER SHALL PAY THE SANCTION AMOUNT TO PLAINTIFF'S COUNSEL BY NO LATER THAN JULY 13, 2023. (dc) (Entered: 06/29/2023)
06/29/2023	177 (3 pgs)	BNC Certificate of Mailing - PDF Document. (Re: 173 Order on Motion to Continue/Cancel Hearing) Notice Date 06/29/2023. (Admin.) (Entered: 06/30/2023)
07/01/2023	178 (3 pgs)	BNC Certificate of Mailing - PDF Document. (Re: 176 Order on Motion for Contempt) Notice Date 07/01/2023. (Admin.) (Entered: 07/02/2023)
07/30/2024	179 (1 pg)	Order dated 7/30/24 Re: 1 Adversary case 19-01037. Complaint by Ann Tracy Botelho against Mary E. Buscone. FINAL JUDGMENT HAVING ENTERED DETERMINING THE DEBT OF ANN TRACY BOTELHO TO BE NONDISCHARGEABLE, THE COURT WILL CLOSE THIS ADVERSARY PROCEEDING UNLESS A PARTY REQUESTS RELIEF ON OR AFTER AUGUST 16, 2024, ABSENT ANY REQUEST FOR RELEVANT RELIEF THAT MAY BE FILED BY A PARTY PRIOR TO THAT DATE. (dc) (Entered: 07/30/2024)
08/01/2024	180 (3 pgs)	BNC Certificate of Mailing - PDF Document. (Re: 179 Order) Notice Date 08/01/2024. (Admin.) (Entered: 08/02/2024)
08/20/2024		Disposition of Adversary. Adversary Number 19-1037 Granted Complaint (dc) (Entered: 08/20/2024)

08/20/2024

Adversary Case 1:19-ap-1037 Closed (dc) (Entered: 08/20/2024)

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Description:	Docket Report	Search Criteria:	19-01037 Fil or Ent: filed Doc From: 0 Doc To: 99999999 Format: html Page counts for documents: included
Billable Pages:	18	Cost:	1.80

EXHIBIT C

General Docket
United States Bankruptcy Appellate Panel

Bankruptcy Appellate Panel Docket #: 21-5

In re: Mary Buscone v. Ann Botelho

Appeal From: Bankruptcy Court of MA - Boston

Fee Status: filing fee paid

Docketed: 03/01/2021

Termed: 12/21/2021

Case Type Information:

- 1) bankruptcy appellate panel
- 2) Chapter 7 Non-Business-Adversa
- 3) nothing

Originating Court Information:

District: 0101-1 : 19-10594-FJB

Ordering Judge: Frank J. Bailey

Date Filed: 04/04/2019

Adversary Proceeding: 19-01037-FJB

Prior Cases:

None

Current Cases:

None

Panel Assignment: Not available

In re: MARY E. BUSCONE, d/b/a FroYo To Go
Debtor

ANN TRACY BOTELHO
Plaintiff - Appellee

v.

MARY E. BUSCONE
Defendant - Appellant

Thomas C. LaPorte
[COR NTC Retained]
Cossingham Law Office, PC
30 Massachusetts Avenue
North Andover, MA 01845

David G. Baker, Bankruptcy Counsel
Direct: 617-340-3680
[COR NTC Retained]
Baker Law Offices
255 Massachusetts Avenue
Suite 614
Boston, MA 02115-4701

In re: MARY E. BUSCONE, d/b/a FroYo To Go

Debtor
























ANN TRACY BOTELHO


Plaintiff - Appellee


v.


MARY E. BUSCONE


Defendant - Appellant


03/01/2021	 39 pg, 1.12 MB	Received Notice of Appeal filed at U.S. Bankruptcy Court, District of Massachusetts (Eastern Division) on 02/27/2021, transmittal form, FILED. CM/ECF: Counsel must register for a First Circuit BAP CM/ECF Appellate Filer Account at http://pacer.psc.uscourts.gov/cmecf . Counsel shall also review the BAP's requirements for electronic filing by visiting the BAP's PACER/CMECF Information section at http://www.bap1.uscourts.gov . [21-5] [Entered: 03/01/2021 03:43 PM]
03/25/2021	 4 pg, 79.62 KB	LAMOUTTE, HARWOOD, and CARY, U.S. Bankruptcy Appellate Panel Judges: JUDGMENT OF PARTIAL DISMISSAL FILED AND ENTERED. Review this Judgment for full text. [21-5] [Entered: 03/25/2021 11:23 AM]
03/25/2021	 3 pg, 83.23 KB	OPENING LETTER: Notice to all parties RE: BAP No. MB 21-005 assigned. [21-5] [Entered: 03/25/2021 11:25 AM]
03/25/2021	 3 pg, 58.88 KB	Appellant Mary E. Buscone's Motion for Reconsideration of Partial Dismissal filed. [21-5] [Entered: 03/25/2021 04:08 PM]
03/26/2021	 3 pg, 72.21 KB	LAMOUTTE, HARWOOD and CARY, U.S. Bankruptcy Appellate Panel Judges: ORDER GRANTING MOTION FOR RECONSIDERATION. Judgment of Partial Dismissal is VACATED. Review this Order for full text. [21-5] [Entered: 03/26/2021 04:39 PM]
03/29/2021	 4 pg, 64.82 KB	Complete Certificate of Readiness received from U.S. Bankruptcy Court, District of Massachusetts. [21-005]. [Entered: 03/30/2021 10:46 AM]
03/30/2021	 2 pg, 63.8 KB	Certificate of Readiness docketed. [21-5] [Entered: 03/30/2021 10:46 AM]
03/30/2021	 2 pg, 63.8 KB	CLERK'S NOTICE ENTERED. The Clerk's Office will no longer send court-issued documents to Attorney Thomas LaPorte unless he registers for an appellate ECF account to use in this Court by April 6, 2021. [21-5] [Entered: 03/30/2021 10:50 AM]
03/31/2021	 2 pg, 64.1 KB	BRIEFING ORDER ENTERED. Brief due 04/30/2021 for Appellant Mary E. Buscone. Appellee Ann Tracy Botelho's brief due within 30 days after service of Appellant's brief. Appellant's reply brief due within 14 days after service of appellee's brief. [21-5] [Entered: 03/31/2021 09:30 AM]
04/30/2021	 20 pg, 791.56 KB	Appellee Ann Tracy Botelho's motion to <i>for an Order Requiring the Obtaining and Posting of a Bond Pending Appeal</i> filed. [21-5] [Entered: 04/30/2021 02:01 PM]
05/01/2021	 17 pg, 231.44 KB	Brief tendered by Appellant Mary E. Buscone [21-5] [Entered: 05/01/2021 12:01 AM]
05/02/2021	 2 pg, 88.29 KB	Appellant Mary E. Buscone's opposition to motion filed [21-5] [Entered: 05/02/2021 09:41 PM]
05/03/2021	 1 pg, 62.06 KB	CONDITIONAL ORDER OF DISMISSAL: Appeal may be dismissed for Appellant's failure to prosecute. Review this Order for full text. [21-5] [Entered: 05/03/2021 11:08 AM]
05/03/2021	 127 pg, 29.56 MB	Appellant Mary E. Buscone appendix filed. [21-5] [Entered: 05/03/2021 11:27 AM]
05/03/2021	 13 pg, 120.41 KB	Brief tendered by Appellant Mary E. Buscone [21-5] [Entered: 05/03/2021 11:32 AM]
05/11/2021	 2 pg, 122.93 KB	ORDER ENTERED REGARDING DEFICIENT APPELLANT BRIEF AND APPENDIX. Appellant's amended brief and amended appendix are due to be filed on or before May 14, 2021. Review this Order for full text. [21-5] [Entered: 05/11/2021 11:32 AM]
05/14/2021	 15 pg, 152.02 KB	Brief tendered by Appellant Mary E. Buscone [21-5] [Entered: 05/14/2021 05:14 PM]
05/14/2021	 290 pg, 56.2 MB	Appellant Mary E. Buscone appendix filed. [21-5] [Entered: 05/14/2021 05:19 PM]
05/19/2021	 2 pg, 127.19 KB	SECOND ORDER REGARDING APPELLANT'S DEFICIENT APPENDIX. Amended appendix due on or before May 20, 2021. [21-5] [Entered: 05/19/2021 11:29 AM]
05/20/2021	 310 pg, 62.17 MB	Appellant Mary E. Buscone appendix filed. [21-5] [Entered: 05/20/2021 11:00 PM]
05/22/2021	 310 pg, 62.17 MB	Appellant Mary E. Buscone appendix filed. [21-5] [Entered: 05/22/2021 03:29 PM]
05/24/2021	 10 pg, 152.53 KB	FINKLE, Bankruptcy Appellate Panel Judge: ORDER ENTERED DENYING Appellee's Motion for Bond. Review this Order for full text. [21-5] [Entered: 05/24/2021 09:42 AM]
05/24/2021	 	Mary E. Buscone's opening brief filed. [21-5] [Entered: 06/01/2021 11:23 AM]


05/27/2021  Appellee Ann Tracy Botelho motion to ~~FOR CLARIFYING ORDER AS TO THE DUE DATE OF APPELLEES BRIEF~~ filed. [21-5] [Entered: 05/27/2021 03:36 PM]
3 pg, 114.32 KB


06/01/2021  ORDER CLARIFYING APPELLEE'S BRIEFING DEADLINE. Appellee's brief is due on or before June 22, 2021. [21-5] [Entered: 06/01/2021 11:26 AM]
2 pg, 105.83 KB


06/22/2021  Brief tendered by Appellee Ann Tracy Botelho [21-5] [Entered: 06/22/2021 04:08 PM]
43 pg, 504.62 KB


06/22/2021  Appellee Ann Tracy Botelho brief filed. [21-5] [Entered: 06/24/2021 03:26 PM]


06/23/2021  Appellee Ann Tracy Botelho motion to *Re-file a Corrected Appellee's Brief on or before June 24, 2021 at 5 p.m.* filed. [21-5] [Entered: 06/23/2021 05:49 PM]
3 pg, 112.36 KB


06/24/2021  ORDER ENTERED GRANTING motion filed by Appellee Ann Tracy Botelho to file corrected brief by June 24, 2021. [21-5] [Entered: 06/24/2021 09:20 AM]
1 pg, 57.98 KB


06/24/2021  Brief tendered by Appellee Ann Tracy Botelho [21-5] [Entered: 06/24/2021 04:45 PM]
52 pg, 1.12 MB


06/24/2021  Appellee Ann Tracy Botelho's brief filed. [21-5] [Entered: 07/08/2021 10:52 AM]


06/30/2021  ORDER ENTERED STRIKING Exhibit A, the Partnership Agreement, of the brief filed by Appellee Ann Tracy Botelho. [21-5] [Entered: 06/30/2021 08:36 AM]
3 pg, 114.3 KB


07/18/2021  Reply Brief tendered by Appellant Mary E. Buscone [21-5] [CLERK'S NOTE: Docket text modified to reflect reply brief filed by appellant.]--[Edited 07/19/2021 by aw] [Entered: 07/18/2021 08:08 PM]
6 pg, 133.52 KB


07/18/2021  Appellant Mary E. Buscone's Motion for Leave to File Reply Brief Late. [21-5] [CLERK'S NOTE: Docket text modified to more accurately describe document filed.]--[Edited 07/19/2021 by aw] [Entered: 07/18/2021 08:09 PM]
2 pg, 52.63 KB


07/28/2021  ORDER ENTERED GRANTING Appellant Mary E. Buscone's Motion for Leave to File Reply Brief Late. [21-5] [Entered: 07/28/2021 10:10 AM]
1 pg, 62.49 KB


08/03/2021  Appellee Ann Tracy Botelho's Citation of Supplemental Authorities filed. [21-5] [CLERK'S NOTE: Docket text modified to more accurately describe document filed.]--[Edited 08/04/2021 by aw] [Entered: 08/03/2021 06:18 PM]
17 pg, 728.29 KB


08/05/2021  Appellant Mary E. Buscone motion to *strike citation to additional authority*, filed. [21-5] [Entered: 08/05/2021 05:05 PM]
2 pg, 51.14 KB


08/07/2021  Appellee Ann Tracy Botelho's opposition to Appellant's motion to strike filed [21-5] [docket text modified.]--[Edited 08/10/2021 by aw] [Entered: 08/07/2021 01:00 AM]
6 pg, 167.54 KB


10/19/2021  GODOY, HARWOOD and FAGONE, U.S. Bankruptcy Appellate Panel Judges: ORDER ENTERED SUBMITTING CASE ON THE BRIEFS. [21-5] [Entered: 10/19/2021 08:24 AM]
1 pg, 61.43 KB


10/19/2021  GODOY, HARWOOD and FAGONE Submitted on the briefs. [21-5] [Clerk's Note: Administrative entry.] [Entered: 01/03/2022 04:27 PM]


12/21/2021  GODOY, HARWOOD and FAGONE, U.S. Bankruptcy Appellate Panel Judges: Opinion issued. Affirm Order Denying Summary Judgment; Affirm Default Judgment; Affirm Order Denying Reconsideration; Dismiss appeal of Order Quantifying Fees for lack of jurisdiction; Affirm portion of Order Granting Second Motion to Compel granting default judgment against Defendant-Appellant Buscone and Dismiss on standing grounds the appeal of the portion of that order imposing monetary sanctions against Attorney David Baker. For publication. Fagone authoring Judge. [21-5] [Entered: 12/21/2021 09:57 AM]
30 pg, 234.71 KB


12/21/2021  ORDER ENTERED DENYING AS MOOT Appellee's Citation of Supplemental Authority and DENYING AS MOOT Appellant's Motion to Strike Appellee's Citation of Supplemental Authority. [21-5] [Entered: 12/21/2021 10:44 AM]
1 pg, 60.38 KB

12/21/2021  JUDGMENT FILED AND ENTERED. [21-5] [Entered: 12/21/2021 10:47 AM]
2 pg, 92.54 KB

01/03/2022  Notice of Appeal to the U.S. Court of Appeals for the First Circuit filed by Defendant-Appellant Mary Buscone. [21-5] [Entered: 01/03/2022 12:53 PM]
1 pg, 53.59 KB

01/03/2022  Notice of filing of appeal to U.S. Court of Appeals sent to U.S. Bankruptcy Court, District of Massachusetts (Eastern Division). [21-5] [Entered: 01/03/2022 04:35 PM]
34 pg, 424.1 KB

01/06/2022  Appeal sent to U.S. Court of Appeals for the First Circuit on 01/06/2022. [21-5] [Entered: 01/06/2022 04:29 PM]
1 pg, 10.42 KB

01/07/2022  Received U.S. Court of Appeals for the First Circuit case number: 22-9001. [21-5] [Entered: 01/07/2022 09:29 AM]

01/10/2022	<input type="checkbox"/>	U.S. Court of Appeal fee paid. Receipt. No. 4701000620. [21-5] [Entered: 01/10/2022 05:11 PM]
03/16/2023	<input type="checkbox"/>	Received Mandate from the U.S. Court of Appeals for the First Circuit. [21-5] [Entered: 03/20/2023 03:05 PM]
03/20/2023	<input type="checkbox"/>	BAP Mandate Issued. Notice of entry of judgment to Hon. Christopher J. Panos; Clerk, U.S. Bankruptcy Court, District of Massachusetts; and parties. [21-5] [Entered: 03/20/2023 03:10 PM]
05/04/2023	<input type="checkbox"/>	Appellee Ann Tracy Botelho motion to to award fees and costs filed. [21-5] [CLERK'S NOTE: The document is incomplete, or the wrong PDF file was attached. The Filer is directed to re-file the document.]-[Edited 05/05/2023 by aw] [Entered: 05/04/2023 10:32 PM]
05/05/2023	<input type="checkbox"/>	Appellee Ann Tracy Botelho motion to to award fees and costs filed. [21-5] [Entered: 05/05/2023 03:05 PM]
05/17/2023	<input type="checkbox"/>	Objection and Motion to Extend Time filed by Appellant Mary E. Buscone. [21-5] [Docket text modified to more accurately describe document filed.]-[Edited 05/17/2023 by aw] [Entered: 05/17/2023 02:22 AM]
05/30/2023	<input type="checkbox"/>	Appellee Ann Tracy Botelho's Opposition to Appellant's Partial Response and Response to Appellant's Request for Extension of Time filed on May 17, 2023. [21-5] [Clerk's Note: Docket text modified to more accurately describe document filed.]-[Edited 05/30/2023 by aw] [Entered: 05/30/2023 12:41 PM]
06/09/2023	<input type="checkbox"/>	GODOY, HARWOOD and FAGONE, Bankruptcy Appellate Panel Judges: ORDER ENTERED DECLINING TO RECALL MANDATE AND DENYING MOTION FOR DAMAGES AND COSTS. Review this Order for full text. [21-5] [Entered: 06/09/2023 12:28 PM]
06/09/2023	<input type="checkbox"/>	ORDER ENTERED DENYING AS MOOT Appellant Mary E. Buscone's Motion for Extension of Time. [21-5] [Entered: 06/09/2023 12:32 PM]
06/23/2023	<input type="checkbox"/>	Appellee Ann Tracy Botelho motion to <i>Obtain Relief Pursuant to Fed. R. App. P. 60(b)(1) and (6)</i> application for leave to appeal filed. [21-5] [Entered: 06/23/2023 05:31 PM]
06/26/2023	<input type="checkbox"/>	Objection to Motion for Relief from Order Denying Motgion for Fees and Costs filed by Appellant Mary E. Buscone [21-5] [Docket modified to reflect title of document]-[Edited 06/30/2023 by aw] [Entered: 06/26/2023 04:32 PM]
08/03/2023	<input type="checkbox"/>	GODOY, HARWOOD, and FAGONE, U.S. Bankruptcy Appellate Panel Judges: ORDER ENTERED DENYING Motion for Relief from Order Denying Damages and Costs for Frivolous Appeal filed by Appellee Botelho. Appellant Buscone's request for sanctions is DENIED. Review this Order for full text. [21-5] [Entered: 08/03/2023 01:17 PM]

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Billable Pages:	3	Cost:	0.30

EXHIBIT D

General Docket
United States Court of Appeals for the First Circuit

Court of Appeals Docket #: 22-9001
Nature of Suit: 3422 Appeal 28 USC 158
Botelho v. Buscone
Appeal From: BAP
Fee Status: filing fee paid

Docketed: 01/13/2022
Termed: 02/22/2023

Case Type Information:

- 1) civil
- 2) private
- 3) Bankruptcy Appellate Panel

Originating Court Information:

District: 0101-1 : [21-005](#)
Ordering Judge: Michael A. Fagone, U.S. Bankruptcy Judge
Ordering Judge: Edward Alan Godoy, U.S. Bankruptcy Judge
Ordering Judge: Bruce A. Harwood, U.S. Bankruptcy Judge
Date Filed: 03/01/2021
Date Order/Judgment: 12/21/2021

Lead: [21-005](#)

Date Order/Judgment EOD: 12/21/2021

Date NOA Filed: 01/03/2022

Date Rec'd COA: 01/06/2022

Prior Cases:
None

Current Cases:
None

Panel Assignment:

Panel: SLL RT GAG
Date of Hearing: 10/05/2022 **Date of Decision:**

ANN TRACY BOTELHO
Appellee

Thomas C. LaPorte
Direct: 603-303-9520
[COR NTC Retained]
LaPorte Law Group PLLC
PO Box 390
573 Pine St
Manchester, NH 03105

v.

MARY E. BUSCONE, d/b/a FroYo To Go
Appellant

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Fax: 855-490-2240
[COR NTC Retained]
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Boston, MA 02115-4701

HAROLD B. MURPHY
Trustee

Harold B. Murphy
Direct: 617-423-0400
[NTC Retained]
Murphy & King PC
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Ste 3101
Boston, MA 02109

JOHN P. FITZGERALD, Assistant U.S. Trustee
Trustee

John P. Fitzgerald
Direct: 617-788-0400
[NTC Federal Government]
Office of the US Trustee
5 Post Office Sq
Ste 1000
Boston, MA 02109-3945

IN RE: MARY E. BUSCONE, d/b/a FroYo To Go

Debtor,



















ANN TRACY BOTELHO,

Appellee,












v.

MARY E. BUSCONE,

Appellant.

01/14/2022	 48 pg, 555.8 KB	CIVIL CASE docketed. Notice of appeal (doc. #49) filed by Appellant Mary E. Buscone. Docketing Statement and Appearance form due 01/28/2022. [22-9001] (ALW) [Entered: 01/14/2022 02:15 AM]
01/14/2022		Filing fee was paid by Appellant Mary E. Buscone. Receipt number: 4701000620. [22-9001] (ALW) [Entered: 01/14/2022 02:56 AM]
01/14/2022	 1 pg, 167.53 KB	NOTICE of appearance on behalf of Appellant Mary E. Buscone filed by Attorney David G. Baker. Served on 01/14/2022. [22-9001] (DGB) [Entered: 01/14/2022 12:03 PM]
01/14/2022	 3 pg, 267.33 KB	DOCKETING statement filed by Appellant Mary E. Buscone. Served on 01/14/2022. [22-9001] (DGB) [Entered: 01/14/2022 12:05 PM]
01/18/2022	 8 pg, 143.67 KB	BRIEFING schedule set. Brief and Appendix due 02/28/2022 for appellant Mary E. Buscone. Pursuant to F.R.A.P. 31(a), appellee's brief will be due 30 days following service of appellant's brief and appellant's reply brief will be due 21 days following service of appellee's brief. Please see the court's general order issued April 20, 2020, requiring the electronic filing of appendices. [22-9001] (ALW) [Entered: 01/18/2022 01:06 PM]
02/07/2022	 2 pg, 46.57 KB	NOTICE issued. After 02/22/2022, the following attorney will no longer receive notice of court issued documents in this case unless they register for an appellate ECF account: Thomas C. LaPorte for Ann Tracy Botelho. [22-9001] (ALW) [Entered: 02/07/2022 11:57 AM]
02/23/2022	 1 pg, 52.57 KB	NOTICE of appearance on behalf of Appellee Ann Tracy Botelho filed by Attorney Thomas LaPorte. Served on 02/23/2022. [22-9001] (TCL) [Entered: 02/23/2022 06:14 PM]
02/28/2022	 2 pg, 68.96 KB	MOTION for leave to file oversized <i>brief and</i> to extend time to file <i>brief and appendix</i> filed by Appellant Mary E. Buscone. Served on 02/28/2022. [22-9001] (DGB) [Entered: 02/28/2022 05:12 PM]
03/01/2022	 4 pg, 141 KB	RESPONSE filed by Appellee Ann Tracy Botelho to for leave to file oversized pleading [6479528-2] , to extend time to file brief and/or appendix [6479528-3] . Served on 03/01/2022. [22-9001] (TCL) [Entered: 03/01/2022 06:44 PM]
03/02/2022	 3 pg, 82.51 KB	REPLY filed by Appellant Mary E. Buscone to [6479837-2] . Served on 03/02/2022. [22-9001] CLERK'S NOTE: Relief selection was incorrect. Correction made by clerk's office. No further action required. (DGB) [Entered: 03/02/2022 12:48 PM]
03/17/2022	 1 pg, 8.64 KB	ORDER entered by Rogerie Thompson, Appellate Judge: Appellant Mary E. Buscone has filed an opposed motion for a two-week extension of time, with an untimely request to file an oversized opening brief not to exceed 50 pages. The court directs appellant to the word and line count provisions of Fed. R. App. P. 32(a)(7)(B)(i), which provides that a principal brief may contain up to 13,000 words. Appellant's motion for additional space is therefore denied without prejudice to refile should she find that her proposed brief exceeds the type-volume limitations set forth in Fed. R. App. P. 32(a)(7)(B)(i). Additionally, appellant is reminded that any renewed motion must be filed 7 days in advance of the brief's due date and must specify the additional number of words sought, be supported by a detailed statement of grounds, and must demonstrate compelling reasons. 1st Cir. R. 32.4. Appellant's request for a two-week extension of time to file her brief and appendix is granted. Appellant's brief and appendix are due on or before March 31, 2022 . Lastly, appellant's request for sanctions is denied. [22-9001]. CLERK'S NOTE: Docket entry was edited to modify the docket text. (ALW) [Entered: 03/17/2022 09:31 AM]
03/30/2022	 87 pg, 926.26 KB	BRIEF tendered by Appellant Mary E. Buscone. [22-9001] CLERK'S NOTE: Electronic access to brief was restricted by clerk's office. (DGB) [Entered: 03/30/2022 06:15 PM]
04/04/2022	 2 pg, 18.6 KB	ORDER directing Appellant Mary E. Buscone to file a conforming brief. Brief due 04/11/2022. [22-9001] (ALW) [Entered: 04/04/2022 09:28 PM]
04/04/2022	 1 pg, 7.88 KB	NOTICE of default and intent to dismiss issued directing appellant to file an appendix or this case will be dismissed for lack of prosecution in accordance with 1st Cir. R. 45.0(a). Appendix due 04/18/2022. [22-9001] (ALW) [Entered: 04/04/2022 09:37 PM]
04/10/2022	 89 pg, 7.93 MB	BRIEF tendered by Appellant Mary E. Buscone. [22-9001] (DGB) [Entered: 04/10/2022 08:56 PM]
04/10/2022	 288 pg, 25.56 MB	APPENDIX tendered by Appellant Mary E. Buscone. Served on 04/10/2022. [22-9001] CLERK'S NOTE: Electronic access to appendix has been restricted by clerk's office. (DGB) [Entered: 04/10/2022 09:02 PM]
04/11/2022	 91 pg, 4.83 MB	APPELLANT'S BRIEF filed by Appellant Mary E. Buscone. Served on 04/10/2022. Nine paper copies identical to that of the electronically filed brief must be submitted so that they are received by the court on or before 04/18/2022. Brief due 05/10/2022 for APPELLEE Ann Tracy Botelho. [22-9001] (LIM) [Entered: 04/11/2022 08:47 AM]
04/11/2022	 290 pg, 25.73 MB	APPENDIX tendered by Appellant Mary E. Buscone. Served on 04/11/2022. [22-9001] CLERK'S NOTE: Electronic access to appendix has been restricted by clerk's office. (DGB) [Entered: 04/11/2022 12:08 PM]

- 04/15/2022 ☐ NINE (9) paper copies of appellant's brief [\[6488718-2\]](#) submitted by Appellant Mary E. Buscone. [22-9001] (YCC) [Entered: 04/15/2022 01:48 PM]
- 04/19/2022 ☐ ORDER directing Appellant Mary E. Buscone to file a conforming appendix. Appendix due 04/26/2022. [22-9001] (ALW) [Entered: 04/19/2022 10:48 AM]
2 pg, 17.58 KB
- 04/19/2022 ☐ APPENDIX tendered by Appellant Mary E. Buscone. Served on 04/19/2022. [22-9001] (DGB) [Entered: 04/19/2022 09:46 PM]
291 pg, 25.78 MB
- 04/22/2022 ☐ APPENDIX filed by Appellant Mary E. Buscone. Served on 04/19/2022. [Five paper copies of the electronically filed appendix must be submitted so that they are received by the court on or before 04/29/2022](#) [22-9001] (LIM) [Entered: 04/22/2022 09:18 AM]
291 pg, 19.87 MB
- 04/26/2022 ☐ FIVE (5) paper copies of appendix [\[6491165-2\]](#) submitted by Appellant Mary E. Buscone. [22-9001] (YCC) [Entered: 04/26/2022 12:35 PM]
- 04/30/2022 ☐ MOTION to extend time to file *brief* filed by Appellee Ann Tracy Botelho. Served on 04/30/2022. [22-9001] (TCL) [Entered: 04/30/2022 02:02 PM]
5 pg, 180.37 KB
- 05/02/2022 ☐ ORDER granting motion to extend time to file brief and appendix filed by Appellee Ann Tracy Botelho. Brief and Appendix due 07/11/2022 for appellant Mary E. Buscone. We are disinclined to grant a request for further enlargement of this deadline. [22-9001] (ALW) [Entered: 05/02/2022 01:24 PM]
1 pg, 7.85 KB
- 05/03/2022 ☐ CORRECTED ORDER* entered: Upon consideration of motion, it is ordered that the time for Appellee Ann Tracy Botelho to file a brief and appendix be enlarged to and including **July 11, 2022**. We are disinclined to grant a request for further enlargement of this deadline. * Corrected Order issued to correct party selection of order. CLERK'S NOTE: Docket entry was edited to modify the docket text. [22-9001] (ALW) [Entered: 05/03/2022 11:51 AM]
1 pg, 7.9 KB
- 07/11/2022 ☐ BRIEF tendered by Appellee Ann Tracy Botelho. [22-9001] (TCL) [Entered: 07/11/2022 06:03 PM]
59 pg, 442.58 KB
- 07/12/2022 ☐ APPELLEE'S BRIEF filed by Appellee Ann Tracy Botelho. Served on 07/11/2022. [Nine paper copies identical to that of the electronically filed brief must be submitted so that they are received by the court on or before 07/19/2022](#). Reply brief due 08/01/2022 for APPELLANT Mary E. Buscone. [22-9001] (LIM) [Entered: 07/12/2022 08:57 AM]
59 pg, 429.06 KB
- 07/14/2022 ☐ NINE (9) paper copies of appellee's brief [\[6507052-2\]](#) submitted by Appellee Ann Tracy Botelho. [22-9001] (YCC) [Entered: 07/14/2022 02:13 PM]
- 07/29/2022 ☐ BRIEF tendered by Appellant Mary E. Buscone. [22-9001] (DGB) [Entered: 07/29/2022 03:09 PM]
5 pg, 103.84 KB
- 07/29/2022 ☐ REPLY BRIEF filed by Appellant Mary E. Buscone. Served on 07/29/2022. [Nine paper copies identical to that of the electronically filed brief must be submitted so that they are received by the court on or before 08/05/2022](#). [22-9001] (LIM) [Entered: 07/29/2022 04:43 PM]
5 pg, 107.33 KB
- 08/05/2022 ☐ MOTION to extend time to file paper copies of the electronically submitted reply brief filed by Appellant Mary E. Buscone. Served on 08/05/2022. [22-9001] **CLERK'S NOTE: Docket entry was edited to modify the docket text.** (DGB) [Entered: 08/05/2022 04:19 PM]
2 pg, 58.52 KB
- 08/05/2022 ☐ ORDER granting motion to extend time to file paper copies filed by Appellant Mary E. Buscone. Paper copies of the reply brief are due 08/08/2022 for Mary E. Buscone. [22-9001] (ALW) [Entered: 08/05/2022 06:07 PM]
1 pg, 7.81 KB
- 08/08/2022 ☐ NINE (9) paper copies of reply brief [\[6510735-2\]](#) submitted by Appellant Mary E. Buscone. [22-9001] (YCC) [Entered: 08/10/2022 04:40 PM]
- 08/24/2022 ☐ CASE calendared: This case is presently scheduled to be called for oral argument on Wednesday, October 5, 2022 at 9:30 a.m. in Boston, MA in the En Banc Courtroom at the Moakley Courthouse. There will be no continuance except for grave cause. Designation form due 08/29/2022. [22-9001] (DJT) [Entered: 08/24/2022 11:09 AM]
2 pg, 15.16 KB
- 08/29/2022 ☐ DESIGNATION of attorney presenting oral argument filed by Attorney Thomas C. LaPorte for Appellee Ann Tracy Botelho. Served on 08/29/2022. [22-9001] (TCL) [Entered: 08/29/2022 02:56 PM]
1 pg, 76.34 KB
- 08/31/2022 ☐ DESIGNATION of attorney presenting oral argument filed by Attorney David G. Baker for Appellant Mary E. Buscone. Served on 08/31/2022. [22-9001] (DGB) [Entered: 08/31/2022 11:33 AM]
1 pg, 67.44 KB
- 10/05/2022 ☐ CASE argued. Panel: Sandra L. Lynch, Appellate Judge; Ojetta Rogeriee Thompson, Appellate Judge and Gustavo A. Gelpi, Jr., Appellate Judge. Arguing attorneys: David G. Baker for Mary E. Buscone. [22-9001] (DJT) [Entered: 10/05/2022 11:15 AM]
- 02/22/2023 ☐ OPINION issued by Gustavo A. Gelpi, Jr., Appellate Judge; Sandra L. Lynch, Appellate Judge and Ojetta Rogeriee Thompson, Appellate Judge. Published. [22-9001] (ALW) [Entered: 02/22/2023 03:29 PM]
47 pg, 255.6 KB

02/22/2023		JUDGMENT entered. [22-9001]. Affirmed. [22-9001] (ALW) [Entered: 02/22/2023 03:38 PM]
	1 pg, 94.66 KB	
03/01/2023		ERRATA issued by court to opinion (published) [6550685-2] . [22-9001] (SBT) [Entered: 03/01/2023 10:49 AM]
	1 pg, 92.76 KB	
03/16/2023		MANDATE issued. [22-9001] (ALW) [Entered: 03/16/2023 10:55 PM]
	1 pg, 7.6 KB	
05/03/2023		MOTION to award fees and costs filed by Appellee Ann Tracy Botelho. Served on 05/03/2023. [22-9001]. CLERK'S NOTE: Docket entry was edited to modify the docket text of the attachments. Correction made by clerk's office. No further action required. (TCL) [Entered: 05/03/2023 10:36 AM]
	49 pg, 1.07 MB	
05/17/2023		OBJECTION and Motion to extend time to file response to motion for fees and costs [6565713-2] filed by Appellant Mary E. Buscone. Served on 05/17/2023. [22-9001] CLERK'S NOTE: Docket entry was edited to modify the docket text. (DGB) [Entered: 05/17/2023 03:02 AM]
	6 pg, 130.63 KB	
05/17/2023		ORDER entered by Gustavo A. Gelpí, Jr., Appellate Judge: Appellant Mary E. Buscone has filed a document containing an opposition to one aspect of appellee Ann Tracy Botelho's motion for just damages and costs pursuant to Rule 38 and a request for an extension of time to file a more complete opposition. Construing the filing as a request for additional time to file an opposition, the request is granted. Any opposition shall be filed on or by June 7, 2023 . [22-9001] (ALW) [Entered: 05/17/2023 04:45 PM]
	1 pg, 7.88 KB	
06/07/2023		OBJECTION to Appellee's Motion [6565713-2] filed by Appellant Mary E. Buscone. Served on 06/07/2023. [22-9001]. CLERK'S NOTE: Docket entry was edited to modify the docket text. (DGB) [Entered: 06/07/2023 11:12 PM]
	33 pg, 1.24 MB	
06/09/2023		NOTICE of decision from the Bankruptcy Appellate Panel, filed by Appellant Mary E. Buscone. Served on 06/09/2023. [22-9001] (DGB) [Entered: 06/09/2023 01:35 PM]
	9 pg, 139.56 KB	
06/14/2023		ORDER entered by Gustavo A. Gelpí, Jr., Appellate Judge; Sandra L. Lynch, Appellate Judge and Ojetta Rogerie Thompson, Appellate Judge: Upon consideration of Appellee Ann Tracy Botelho's motion for an award of damages and single or double costs, the motion is <u>denied</u> . [22-9001] (ALW) [Entered: 06/14/2023 04:40 PM]
	1 pg, 7.95 KB	
06/23/2023		MOTION to reconsider order [6574226-2] (and to recall mandate) filed by Appellee Ann Tracy Botelho. Served on 06/23/2023. [22-9001]. CLERK'S NOTE: The ECF filer did not select the option that best describes the document. Correction made by clerk's office. No further action required. (TCL) [Entered: 06/23/2023 10:25 PM]
	14 pg, 313.88 KB	
06/27/2023		ORDER entered by Gustavo A. Gelpí, Jr., Appellate Judge; Sandra L. Lynch, Appellate Judge and Ojetta Rogerie Thompson, Appellate Judge: Upon consideration of motion, Appellee Ann Tracy Botelho's motion to reconsider this court's June 14, 2023 order and to recall mandate is denied. [22-9001] (ALW) [Entered: 06/27/2023 01:34 PM]
	1 pg, 7.92 KB	

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EXHIBIT E

Docket Activity Report

United States Bankruptcy Court -- District of Massachusetts

Report Period: 3/28/2025 12:00 AM - 3/31/2025 11:59 PM

Case	Doc Id	Date Entered/Filed	Category/Event	Judge/Trustee	Notes
23-11029 Mary E. Buscone Office: 1 Type: bk Chapter: 13 Assets: Yes	124	Entered: 03/28/2025 18:02:58 Filed: 03/28/2025	Category: misc Event: Notice of Appearance and Request for Notice	Judge: Panos Trustee: Bankowski-13-12	Subm. by: T. LaPorte Group: aty
	125	Entered: 03/28/2025 18:08:58 Filed: 03/28/2025	Category: notice Event: Notice	Judge: Panos Trustee: Bankowski-13-12	Subm. by: T. LaPorte Group: aty
	126	Entered: 03/30/2025 22:59:02 Filed: 03/30/2025	Category: misc Event: Notice of Appearance and Request for Notice	Judge: Panos Trustee: Bankowski-13-12	Subm. by: D. Baker Group: aty
	127	Entered: 03/31/2025 11:47:00 Filed: 03/31/2025	Category: court Event: Hearing Scheduled (Form Attached)	Judge: Panos Trustee: Bankowski-13-12	Subm. by: lb Group: crt

Docket entries selected: 4

Selection Criteria

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By LaPorte, Thomas

Category (Doc type) All

Case 1:23-bk-11029

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03/31/2025 15:04:51			
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Description:	Docket Activity Report	Search Criteria:	23-11029 Cat: All From: 3/28/2025 To: 3/31/2025 Sum Text: summary text
Billable Pages:	1	Cost:	0.10

EXHIBIT F

APPEALS COURT
Full Court Panel Case
Case Docket

ANN T. BOTELHO vs. MARY E. BUSCONE & another
2024-P-0633

CASE HEADER

Case Status	Stayed till certain date
Status Date	03/05/2025
Nature	Business/Commercial
Entry Date	06/04/2024
Appellant	Defendant
Case Type	Civil
Brief Status	
Brief Due	
Arg/Submitted	
Decision Date	
Panel	
Citation	
Lower Court	Middlesex Superior Court
TC Number	1881CV01639
Lower Ct Judge	Cathleen Campbell, J.
TC Entry Date	06/06/2018
SJ Number	
FAR Number	
SIC Number	

INVOLVED PARTY

Ann T. Botelho
Plaintiff/Appellee
Red brief & appendix filed

Mary E. Buscone
Defendant/Appellant
Stay granted

Reading Cooperative Bank Trustee
Defendant

ATTORNEY APPEARANCE

[Thomas C. LaPorte, Esquire](#)
[Catherine M. Giordano, Esquire](#)

[Gary W. Cruickshank, Esquire](#)
[David G. Baker, Esquire](#) - Withdrawn

DOCKET ENTRIES

Entry Date	Paper	Entry Text
06/04/2024	#1	Lower Court Assembly of the Record Package
06/04/2024		Notice of entry sent.
06/04/2024	#2	Civil Appeal Entry Form filed by Mary E. Buscone.
06/12/2024	#3	Docketing Statement filed for Mary E. Buscone by Attorney David Baker.
07/22/2024	#4	Motion of Appellant to extend date for filing brief and appendix filed for Mary E. Buscone by Attorney David Baker.
07/23/2024		RE#4: Allowed to 07/26/2024. Notice sent.
07/26/2024	#5	Motion of Appellant to extend date for filing brief and appendix filed for Mary E. Buscone by Attorney David Baker.
07/29/2024		RE#5: Allowed to 08/02/2024. Notice sent.
08/05/2024		Notice of rejection of brief/appendix of Mary E. Buscone as noncompliant for the reasons indicated on the checklist: 3 (Appendix page 2 repeats which throws off remainder pagination), 11(Scanned document in addendum, scanned documents in appendix), 31 (Both brief and appendix were due by 08/02/2024). Accordingly, on or before 08/07/2024, you must correct the above-listed nonconformities and submit a conforming brief and appendix. *Notice sent.
08/06/2024		Notice of rejection of brief/appendix of Mary E. Buscone as noncompliant for the reasons indicated on the checklist: 3 (pages 34-37 in Addendum), 11 (pages 34-37 in addendum), other: no motion to enlarge the filing date (brief due on 08/02/2024). Accordingly, on or before 08/07/2024, you must correct the above-listed nonconformities and submit a conforming brief, appendix, and Motion to enlarge. *Notice sent.
08/06/2024	#6	Motion for leave to supplement appendix filed for Mary E. Buscone by Attorney David Baker.
08/06/2024	#7	Motion of Appellant to extend date for filing brief and appendix filed for Mary E. Buscone by Attorney David Baker.

08/08/2024 Notice of rejection of brief/appendix of Mary E. Buscone as noncompliant for the reasons indicated on the checklist:
Other: Only brief was uploaded after 08/06/2024 rejection. Accordingly, on or before 08/09/2024, you must correct
the above-listed nonconformities and submit a conforming brief and appendix. *Notice sent.

08/09/2024 #8 Appellant brief filed for Mary E. Buscone by Attorney David Baker.

08/09/2024 #9 Appendix filed for Mary E. Buscone by Attorney David Baker.

08/20/2024 #10 MOTION to file supplemental appendix filed for Ann T. Botelho by Attorney Catherine Giordano.

08/21/2024 RE#10: Allowed and to be filed in compliance with Mass. R. App. P. 18 (b)(5). . *Notice.

09/04/2024 #11 Appellee brief filed for Ann T. Botelho by Attorney Catherine Giordano.

09/04/2024 #12 Appendix (Supplemental) filed for Ann T. Botelho by Attorney Catherine Giordano.

09/04/2024 #13 Motion for leave to file corrected brief and addendum filed for Ann T. Botelho by Attorney Catherine Giordano.

09/05/2024 RE#13: Allowed. The appellee must electronically refile the corrected brief as a separate document on or before
09/11/2024. . *Notice.

09/05/2024 #14 Corrected Appellee brief filed for Ann T. Botelho by Attorney Catherine Giordano.

09/11/2024 #15 Reply brief filed for Mary E. Buscone by Attorney David Baker.

02/27/2025 #16 MOTION to withdraw as counsel filed for Mary E. Buscone by Attorney David Baker.

02/27/2025 RE#16: Treated as a motion to withdraw, denied without prejudice to renewal on or before 03/06/2025 with the
defendant's current mailing address for the purpose of receiving future court notices. *Notice.

02/27/2025 #17 MOTION to withdraw as counsel filed for Mary E. Buscone by Attorney David Baker.

03/03/2025 RE#17: Denied without prejudice to renewal on or before 03/06/2025 with the defendant's current mailing address
for the purpose of receiving future court notices. Although the motion indicates my contact information for all
purposes is given below, no mailing address for Mary Buscone was provided. *Notice.

03/03/2025 #18 MOTION to withdraw as counsel filed for Mary E. Buscone by Attorney David Baker.

03/05/2025 RE#18: Allowed. Attorney David G. Baker is withdrawn. Appellant's contact information is added to the court's docket.
Appellate proceedings are stayed to 4/4/25. A status report is due then, or within 7 days of an appearance by
successor counsel, whichever date is sooner. (Sacks, Hershfang, Tan, JJ.) *Notice

03/27/2025 #19 Notice of appearance filed for Mary E. Buscone by Attorney Gary Cruickshank.